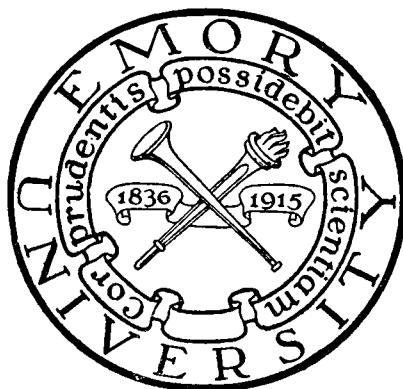


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JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF GEORGIA  
AT THE  
EXTRAORDINARY SESSION  
OF THE  
General Assembly  
AT ATLANTA  
Tuesday, August 25, 1908



CHAS. P. BYRD, STATE PRINTER  
ATLANTA, GA.





# JOURNAL.

SENATE CHAMBER, ATLANTA, GEORGIA,

Tuesday, August 25th, 1908.

The Senate met at 9 o'clock a. m. and was called to order by the President, Hon. J. J. Flynt.

Prayer was offered by the Chaplain.

Upon the call of the roll the following Senators answered to their names:

Akin,	Griffin,	Peacock,
Born,	Hardman,	Stapleton,
Boyd,	Hawes,	Steed,
Brantley,	Hayes,	Sikes,
Brock,	Henderson of 15th,	Taylor,
Bush,	Henderson of 39th,	Turner,
Cowart,	Howard,	Walden,
Crittenden,	Hudson,	Walker,
Deen,	Hughes,	Whaley,
Dobbs,	Johnson,	Wilkes,
Farmer,	Knight,	Williford,
Felder,	Lashley,	Mr. President,
Felts,	Martin,	
Gordy,	Mattox,	

Those absent were Messrs.—

Camp,	Stephens,	Weaver,
Overstreet,		

The President caused the following Proclamation to be read:

PROCLAMATION BY THE GOVERNOR.

IN THE NAME AND BY AUTHORITY OF THE STATE OF  
GEORGIA.

WHEREAS, The General Assembly by an Act approved August 17th, 1903, entitled "An Act to amend an Act approved December 21st, 1897, being an Act to create a Prison Commission for the State of Georgia, to hire the labor of certain felony convicts for a period of five years after the expiration of the present contract, to dispose of the money arising therefrom, and to authorize the Governor and the Prison Commission to impose fines upon certain county authorities for failure to comply with the law and regulations governing misdemeanor chaingangs, and for other purposes," provided for the disposition of the convicts of the State, and,

WHEREAS, By the terms of said Act the disposition of the convicts made under said Act expires on March 31st, 1909, and,

WHEREAS, No legislative provision has been made for the disposition of said convicts beyond March 31st, 1909, and,

WHEREAS, The next regular session of the Gen-

eral Assembly will not convene until the fourth Wednesday in June, 1909, and,

WHEREAS, The committee appointed at the last regular session of the General Assembly has been engaged in the investigation of the convict system and will be ready to report in a few days,

Now, therefore, by virtue of the authority vested in me by Article V, Section 1, Paragraph 13 of the Constitution, I, Hoke Smith, Governor of Georgia, do hereby convene the General Assembly of the State in extraordinary session to meet in their respective halls at the capitol in Atlanta on Tuesday, August 25th, A. D. 1908 at nine o'clock a. m. on the date named for the following objects:

To hear the report of said special committee and to take such action thereon as may be deemed advisable.

To consider legislation broadly upon the disposition now and hereafter to be made of persons convicted of crime, both misdemeanors and felonies, including the establishment of a plan or plans for the management, confinement and labor of convicts and including the undertaking of such work or works in connection with which convicts may be used, together with the raising of revenue and the appropriation of money to carry out such plans, and to provide for the establishment of juvenile courts and reformatories.

To submit to the vote of the people Constitutional amendments and to pass legislation upon said subjects.

Given under my hand and the great seal of the State at the city of Atlanta this, the twentieth day of August, in the year of Our Lord, nineteen hundred and eight.

HOKE SMITH, Governor.

By the Governor,  
PHILIP COOK,  
Secretary of State.

STATE OF GEORGIA,  
EXECUTIVE DEPARTMENT, ATLANTA.

I, Josiah Carter, Secretary of the Executive Department, do hereby certify that the above and foregoing typewritten matter is a true and correct transcript from the records of file in this office.

Given under my hand and the seal of The Executive Department this, the twenty-fourth day of August, 1908.

JOSIAH CARTER,  
Secretary Executive Dept.

The President declared the Senate convened in

extraordinary session under the foregoing proclamation.

Mr. Weaver was granted leave of absence on account of sickness.

The following resolution was read and adopted, to-wit:

By Mr. Gordy, of 24th district—

Resolved by the Senate, the House concurring, that a committee of two (2) from the Senate and three (3) from the House be appointed to notify the Governor that the General Assembly has convened in extraordinary session and is ready for business.

The following resolution was read and adopted, to-wit:

By Mr. Steed, of 37th district—

That the Secretary be instructed to inform the House of Representatives that the Senate has met in extraordinary session and is ready for the transaction of business.

The President appointed the following as the Committee on part of the Senate to notify His Excellency the Governor that the General Assembly

had convened in extraordinary session and was ready for the transaction of business, to-wit:—Mr. Gordy, of 24th district, and Mr. Walden, of 18th district.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof.

*Mr President:*

The House has concurred in the following resolution of the Senate, to-wit:

A resolution to appoint committee to notify the Governor that the General Assembly has convened in extraordinary session.

And has appointed as members of the Notification Committee on the part of the House the following:

Messrs. Alexander, Young, Reid, of Putnam.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof:

*Mr. President:*

I am instructed to inform the Senate that the House has convened in extraordinary session and is ready for the transaction of business in accordance with the proclamation of the Governor.

Mr. Gordy, chairman of the committee on part of

the Senate to communicate with the Governor submitted the following report, to-wit:

*Mr President:*

Your Committee waited on the Governor and informed him that the General Assembly had convened in extraordinary session and was ready for the transaction of business.

F. M. GORDY, Chairman.

ATLANTA, GA., August 25, 1908.

The following message was received from His Excellency the Governor through his Secretary, Mr. Carter:

*Mr. President:*

I am directed by His Excellency the Governor to deliver to the Senate a communication in writing.

The message was as follows:



## MESSAGE.

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STATE OF GEORGIA,

EXECUTIVE DEPARTMENT,

ATLANTA, August 25, 1908.

*To the General Assembly of the State of Georgia:—*

You have been called to meet in extraordinary session for the purpose of considering the disposition to be made of those convicted of crime, together with questions which are incident to the solution of this problem.

There were other matters of legislation undisposed of and pending before your bodies when they adjourned which were of great importance, but this one question involves so much to the State that I have deemed it best to include no other in the work of the present session.

While no maudlin sentiment should interpose between the criminal and the punishment for crime, I believe that we will all agree that the leasing out of convicts in Georgia should cease.

The problem of handling five thousand convicts is serious and full of difficulties. They should be pun-

ished and yet they should not be treated brutally. An effort should be made to encourage reformations among them. I concede that there is little hope of reformation as to many of the convicts but there must be some who can be improved by proper effort during their confinement. While a mercenary motive should in no sense be the purpose of handling convicts, still if they can be made self-supporting and be so handled as to bring some benefits to the State without violating the obligations of the State, such a result is certainly to be desired.

My own opinion is that the convicts of Georgia, five thousand in number, could be used in a way by which humane treatment might be assured, opportunity for reformation afforded and yet contribute greatly to the progress and prosperity of the people of the entire State.

There are railroads to be built, public highways to be constructed, dirt roads to be graded and improved, swamp lands to be drained, and many other internal improvements upon which they could be used which would increase the opportunity for progress and prosperity all over Georgia.

Foremost among the opportunities presented is the extension of the Western & Atlantic railroad to the ocean.

The Western & Atlantic in its present form is a great property, but it will be in danger at the completion of the lease to the Nashville, Chattanooga &

St. Louis Railroad Company unless the scheme of its originators is executed, and it is extended to deep water at one or more of our ports.

I have no doubt that a line built from the present terminus of the Western & Atlantic railroad to one or more ports in our State could be leased for a sum which would pay interest on the cost of construction, and also interest on several millions of dollars in excess of the cost.

The extension will protect our present property, yield a handsome net profit to the State, and largely contribute to the permanent commercial independence of our people by the control of interstate freight rates.

I present these views because the time must come when they will be executed and because no disposition of convicts should be made which will prevent their use in this great enterprise when the State is ready to undertake it.

For the present I suggest a plan of handling the convicts which, while promising less, is simpler and easier, but out of which I hope eventually to see grow the larger uses which I have mentioned.

First. Submit a Constitutional amendment to the people which will name the time beyond which the leasing of convicts in Georgia shall cease. This amendment should be advertised on Wednesday, September 2nd, so no time can be lost in its passage.

Second. Pass a bill to raise additional revenue for your penitentiary system.

Third. Encourage each county to work its misdemeanor and felony convicts upon the public roads and upon other public improvements in the county. I have heard from the ordinaries of many of the counties of the State, and their letters indicate a general disposition by the counties to use the convicts along the line I have suggested.

Fourth. Where the quota of convicts, misdemeanors and felonies, going to a particular county is too small in number to justify their economic use by the county to receive them, permit any two or more counties to join together consolidating their convicts and allow them to work part of the time in each county, the amount of work in each county to be apportioned according to the number of convicts each county has in the combined force. This plan of exchanging convicts should be enlarged as far as possible.

Fifth. The State would retain charge of the balance of the convicts. The State should have two or more farms as a basis of operation. It might buy one or more iron or coal mines.

Those convicts whose dangerous character might render it advisable that they be not worked upon the public roads should be retained by the State and worked on the farms or in the mines. Upon the farms the State should raise all that the convicts

needed to eat. The convicts upon them should make clothes, shoes, wagons and all classes of supplies needed by the State for the convicts and their use.

I have carefully examined the experiment of working convicts upon farms which has been made in a number of Southern States. Indeed, it can scarcely longer be called an experiment. It has been fully demonstrated that this class of work for negro convicts can be made profitable to the State, and yet furnish an opportunity for performing the State's duty to the convict to the fullest extent.

The State should organize road working forces with suitable machinery and from time to time build roads in those counties where the counties received no convicts. The county authorities should name the roads to be built and also bear the expenses of the convicts while working roads in their respective counties. Any profits made from the use of the convicts upon farms or mines should be used towards paying expenses of working the convicts in the counties not receiving convicts. Any surplus of convicts which the counties did not take and which the State at any time is not working upon the roads in the counties could be worked upon the farms.

Sixth. All the money derived from this time on from the hire of convicts should be used to prepare to handle those convicts which the State must retain.

Seventh. Take some action providing at least for the investigation and report to the next legislature

upon the extension of the Western and Atlantic Railroad by the use of convicts.

I wish especially to call your attention to the fact that there has never been a time in the history of the State when with such small inconvenience the convict lease system could be abandoned.

You appropriated last year to the schools of the State \$332,524.75 more than was appropriated to them in 1907. You appropriated last year for 1909 to the schools of the State \$582,524.75 more than was appropriated to them in 1907. The schools received in 1907 something over \$200,000 from convict hire. When your appropriations were made in 1907 to the schools for this year and next year it was generally understood that the convict hire was included in the appropriations. But a careful examination of the Act disclosed the fact that this was not true.

You can, therefore, cease giving to the public schools anything from convict hire and yet leave them all that you intended to give them when the appropriation Act was passed in the summer of 1907.

Good roads and common schools should go together. Both help to develop the people and enrich the State. We are making progress with our schools. We have neglected our public roads.

I have presented the foregoing plan of handling the convicts as perhaps the best which we can adopt at the present time. I present it with no claim of

originality but in the effort to help bring together and harmonize what seems to have been conflicting views of your different members and bodies. I do not claim that the plan is ideal.

I believe it would be better for all the convicts to be worked by the State upon farms, in mines, upon public roads, and in the construction of public highways, and in the drainage and development of land now not capable of use.

I hope the time will come when from whatever system you adopt there will develop the exclusive utilization of the convicts by the State and that they will be used to complete and perfect public highways and other internal improvements, using the farms as a basis of operation.

At the head of your penitentiary system there must be ability, honesty and enthusiasm. Those in charge on salaries should be required to give their entire time to the work. Those acting as supervisors should give their entire time to it. Those handling farms should be called to no divided allegiance and should not be subjected to the development of selfish action by seeing their own property calling for their attention in the neighborhood of the State's property.

There must be the earnest desire to help the people of Georgia by aiding the counties with information and inspiration, that they may handle their convicts humanely yet economically; that they may per-

form the duty of the State to those convicted of crime and yet bring returns to the citizens by improving in the most practical and economical manner the roads and public enterprises of the county

The study of good roads is attracting the attention of the country. A great amount of information as to how they should be built can be furnished, and intelligent suggestion should be made from the State's penitentiary officers to the officers of the localities charged with handling convicts.

The whole system should receive supervision by the State, uninfluenced by politics or by selfishness, and inspired by real patriotism.

I commend to your favorable consideration the parole system as part of our plan for handling convicts. With ample farm facilities connected with the general plan of handling the problem, the convict might well, during the last of his confinement, be permitted to work in citizens clothes for a while before going back among the public. To discharge from chains and stripes a dangerous convict, with no progressive step taken by which his reformation is sought, cannot be contemplated without almost a shudder of alarm when we see the danger of such a course.

The reformatory for the young should be greatly improved. I believe care and thought directed toward it from those at the head of your system will be productive of valuable results.



I will not dwell upon the misdemeanor convicts as a separate class. It is scarcely necessary for me to say that the leasing of misdemeanor convicts to individuals with no State supervision should not be tolerated, and I incline to the opinion that individuals and corporations in Georgia handling misdemeanor convicts are in many instances subject to prosecution and suits for false imprisonment.

I know that we are all agreed upon the separation of the races and that you will make ample provision in whatever legislation you pass covering this question and providing for the care upon the State Farm of female convicts whether convicted of misdemeanors or felonies.

Any information which I have received from other States or from the county officers is at your disposal.

HOKE SMITH, Governor.

Mr. Felder, chairman of the Joint Committee on Investigation of the Prison Department, submitted the following report:

*Mr President:*

The Joint Committee under Senate Resolution No. 37, to investigate certain charges in reference to the administration of the Prison Department, beg leave to report as follows:

The Committee met promptly after its appoint-

ment, and organized, and entered upon the discharge of its duties. Under the authority granted in a joint resolution subsequently passed, the Committee has continued its work since the adjournment of the General Assembly. We have been in session twenty-eight days, holding from one to three sessions daily. We have examined one hundred and thirty-eight (138) witnesses, to-wit: Twenty-one members of the Legislature, who visited the different convict camps in the State upon inspection tours by order of the General Assembly; the three members and the secretary of the Prison Commission; the ex-State warden, and the two State inspectors of convicts; thirty wardens, superintendents, and ex-wardens; twelve guards, ex-guards, and employees of the Prison Commission; twenty-one lessees, ex-lessees, and their employees; five camp physicians; thirty citizens; and thirteen ex-convicts. The evidence given by all of these witnesses was stenographically reported, and transcripts thereof are filed with this report.

Pursuant to the authority in a joint resolution, we also employed expert accountants to audit the books in the office of the Prison Commission, at the State farm and at the reformatory; and we file herewith the report of the accountants as a part of this report.

Said Senate joint Resolution No. 37, raising this Committee and prescribing its duties is as follows:

## A RESOLUTION.

WHEREAS, The Committee from the Senate and House of Representatives appointed at the last session of the General Assembly to visit the institutions and camps at which the convicts of the State are used and worked, has made a report in which gross misconduct is charged to certain employees of the State in the control and management of the convicts and also violations of the terms of the contracts under which certain lessees are working convicts; and,

WHEREAS, Said report finds and charges that the chief warden, whose duty it was to represent the interests of the State, was, while acting for the State and drawing the salary allowed him, trafficking in the convicts and making a profit out of the sub-leasing of the same; and,

WHEREAS, Said report further finds and charges that deputy wardens, whose duty it was to represent the State in the management and control of the convicts at the camps in which said wardens were located, were, while receiving pay from the State, also receiving money from the lessees; and,

WHEREAS, The Governor in his annual message

has brought this misconduct of the employees of the State to the attention of this General Assembly; and,

WHEREAS, The report of said Committee further finds and charges that certain lessees have violated the contracts under which they are working the State's convicts; and,

WHEREAS, The law requires that the contracts under which convicts are leased shall be forfeited whenever the lessee violates the terms of the same or fails to carry out the rules and regulations of the Prison Commission, and upon such forfeiture the State is entitled to have and collect from the offending lessee damages fixed by law, which shall be recovered from the lessee and the sureties upon his bond; and,

WHEREAS, It is charged by the press of the State that the law governing the control and working of convicts in the State of Georgia is being flagrantly abused and the good name of the State, as well as those charged with the management of the convicts, demands that the truth be known; and,

WHEREAS, The Governor in his Annual Message makes known to this General Assembly that the Georgia State Reformatory as it is now conducted is but a Prison Farm, when the Act creating this institution makes provision for the reforming of its youthful inmates, and does not contemplate the managing of them as criminals, and the Committee

above referred to reports that it has not had an opportunity to examine this institution.

Therefore, be it resolved by the Senate, the House of Representatives concurring, that a committee of three from the Senate and five from the House be appointed to investigate the charges above referred to, and the working of the convicts under the present lease contracts, and ascertain if the lessees are carrying out the terms of their contracts, and to also investigate the Prison Farm and the Georgia State Reformatory, and ascertain if the law in regard to these institutions is being obeyed and carried out, and to especially investigate and report:

1. If any officer, chief warden, warden, guard or other employee of the State, whose duty it is or was to manage, control, or who is or was otherwise connected with the convicts of the State, is receiving or has received any emoluments, money, compensation, gift or gratuity from the working, trafficking in or controlling of convicts other than the lawful compensation allowed by the State, and this investigation and report shall cover any such officer, chief warden, warden, guard, or other employee whether now in the employment of the State or not.

2. If any member of the Prison Commission knew or had reason to believe that any chief warden, warden, guard or other employee or officer of the State was trafficking in the convicts of the State and deriving a profit from the leasing or sub-leasing of

the same or receiving any compensation from any lessee.

3. If any lessee is violating or has violated his contract or any rule or regulation promulgated for the working of the convicts, and if such violation would authorize the forfeiture of the contract, and the collection of the damages provided by law.

4. If there is or has been any mismanagement or misconduct on the part of any employee, guard or other officer charged with the control and conduct of the Prison Farm in Baldwin County.

5. If the Georgia State Reformatory is being conducted in accordance with the provisions of the Act creating the institution.

6. If there is any mismanagement of, or cruelty to, or other violations of the law or rules and regulations of the Prison Commission by any of the lessees, or officers or employees of the State in any of the camps where the convicts are worked by the lessees.

7. If there is any mismanagement, cruelty or violation of the law in any road camp, or other camp, either misdemeanor or felony, and if any counties are illegally disposing of their misdemeanor convicts, and if misdemeanor convicts are being illegally employed or worked.

8. The Investigating Committee is hereby authorized to investigate any and all charges emanat-

ing from any source, and investigate any and all conditions whether in the Prison Commission or convict camps, and particularly to find whether or not any of the irregularities charged as existing were within the consent or knowledge of the Prison Commission.

Resolved further, That for the purposes of this investigation, the Committee shall have full power and authority to call before it all witnesses which it deems necessary, and a subpoena signed by the chairman shall be sufficient authority to force the attendance of any witness desired. The Committee shall also have power to require the production of any and all books, papers, documents, or other writings which, in the judgment of the Committee, are necessary for the purposes of the investigation. The Prison Commission is authorized and directed to have present when requested by the Committee any convict desired to be used as a witness, whether such convict be in the custody of the State, any lessee, or any county. The Committee is further authorized to do any and all things necessary for the carrying out of its duties and making the investigations required by this Resolution.

Resolved further, That the Committee shall have the power and authority to employ and appoint a stenographer to take down and report its proceedings, and shall also have the power and authority to name and appoint some fit and proper person or persons to attend its proceedings and act in serving

its subpoenas and warrants, and to otherwise assist the Committee in performing its duties.

Pursuant to the specific directions therein given, and in the order named, we report as follows:

## I.

“1. If any officer, chief warden, warden, guard or other employee of the State, whose duty it is or was to manage, control, or who is or was otherwise connected with the convicts of the State, is receiving or has received any emoluments, money, compensation, gift or gratuity from the working, trafficking in or controlling of convicts, other than the lawful compensation allowed by the State, and this investigation and report shall cover any such officer, chief warden, warden, guard, or other employee whether now in the employment of the State or not.”

We find and report that Mr. J. C. Moore was appointed an employee of the Prison Commission in 1898, with the title of State Warden, and discharged the duties of such up to January 1, last.

We find, from Mr. Moore's admissions under oath, that while acting as State Warden, and while being paid by the State as such, he negotiated a number of deals between convict labor lessees for the transfer of lease contracts, receiving compensation therefor



from one or the other of the parties, and in some instances possibly from both. As stated by Mr. Moore, the fees or compensation received by him for negotiating these deals, aggregated about \$2700.00.

Whether these transactions, admitted by Mr. Moore, are all in which he had a pecuniary interest, the undersigned are unable to report. After diligent inquiry, the Committee has not had evidence of other deals of this character, but finds that for years past there have been very general rumors and definite impressions in several directions that the State Warden was using and had used his official position for the purpose of private gain. Mr. Moore contends, as to the admitted transactions, that there was nothing improper, immoral or illegal in his conduct, and further contends that the State did not lose anything thereby.

We are utterly unable to conceive how a high-minded State official could close his eyes to the impropriety and reprehensibility of such conduct. Such transfers meant frequently the discontinuance of established camps, the establishment of new camps, the substitution of new lessees, the removal or transfer of deputy wardens, and like considerations of policy and interest to the State, and upon which the Commission had a right to expect the disinterested opinion and advice of its chief officer before it approved such transfers. It needs only a statement of these facts to prove that when he negotiated these transfers for a money consideration,

the State Warden placed himself in a position where he was no longer qualified to disinterestedly advise his superiors.

We further find that such conduct on the part of its chief inspecting officer was brought to the official notice of the Prison Commission and the Governor last November, by the Chairmen of the Penitentiary Committees of the Senate and House. The Governor also communicated this information to the Commission. Subsequently, Mr. Moore was permitted, by the Commission, to resign his office January 1st, following.

The Acts of 1897 and 1903, created no such office as "State Warden," but authorized the appointment by the Prison Commission of wardens, and fixed the maximum salary for each at \$100.00 per month.

We find that for several years past Mr. Moore has received a salary of \$100 per month as State Warden, and an additional salary of \$40.00 per month as inspector of misdemeanor camps. We further find that this salary was paid by Executive warrants commencing under Governor Atkinson's administration. In our opinion this additional salary of \$40.00 per month was improper, illegal, and without authority of law. The contention is that by the payment of this additional salary to Mr. Moore, the State was saved the expense of another officer as inspector of misdemeanor convicts.

While in point of fact this may be true, we hold

that the Act of 1897 clearly intended what it said, that \$100.00 per month was to be the maximum sum paid a warden; his duties to be assigned by the Commission. If the duties of State Warden were not heavy enough to demand his full time, he should have been paid less than the maximum, or he should have been assigned duties in connection with misdemeanor inspections to occupy his time, without additional compensation.

It should further be remembered that the duty of inspecting misdemeanor camps, was, by the Act of 1897, placed on the members of the Prison Commission, and only in emergencies is it authorized to delegate this duty.

Although occupying a very responsible position, and as the evidence shows, largely relied upon by the Commission, Mr. Moore never took any oath of office, never gave bond for the faithful discharge of the duties of his office. While it is true there is in the Act of 1897 no requirement for the administering of oaths of office or requirement of bonds as to wardens, yet it is also true that the office of "State Warden" was established by the Commission, and some such requirement might have been made by it.

We suggest that future legislation in reference to the administration of the State Prison Department should make provision for requiring oaths of office and official bonds from important officials of this department.

We further find from the evidence, that for a considerable period, while in the employ of the State as the chief inspecting officer of the prison department, with duties almost exclusively relating to seeing that lessees complied with the law, and the rules and regulations of the Commission and the terms of their contracts on pain of penalties and forfeitures, Mr. Moore was engaged in private business as a partner with W. B. Hamby, the largest lessee of convict labor under the prison department, and that this fact was known to the Prison Commission. We further find from the evidence that for some time past, and when he resigned, Mr. Moore was largely in debt to Dr. Hamby, and interested as joint owner with him in several landed properties. The evidence shows clearly that the members of the Prison Commission depended very largely upon and followed Mr. Moore's advice, in many matters which directly affected Dr. Hamby's interests.

Such intimate business relations between this chief inspector of the prison department and the chief lessee of convict labor under the prison department, in the opinion of the undersigned were highly improper and justly the subject of severe criticism.

The statements of the Prison Commission admit their knowledge of the existence of the business partnership between the chief inspector and the chief lessee, and we declare it to be our conviction, that the Commission, with its first knowledge of such relations, should have ordered the partnership and

further similar dealings at once discontinued, or discharged the employee who had no higher sense of official propriety than to establish and continue private business relations which were bound to bring the department and its officials under criticism and suspicion.

We further find and report that for different periods, in some instances extending over years, and coincident with the very existence of the system, practically all of the deputy wardens of the department, while in the employ of the State and paid as such, received salaries or compensation from the lessees, in one or more instances nearly twice as much as paid by the State. The evidence filed by the Committee shows the names of these wardens and the lessees paying, as also the names of the few wardens who have not received such compensation.

These facts, we find, were brought to the official notice of the Commission, at the same time and in the same manner as were the facts in reference to the State Warden, and the evidence is that in March last the Commission issued an order forbidding the continuance of this practice. The evidence before the Committee shows that no further inquiries have been made by the Commission since the issuance of the order. It is in evidence before the Committee that deputy wardens W. S. Tyson and Ed. Cox, and lessees, the Cherokee Brick Company and H. Stevens & Sons Company have not obeyed this order and discontinued the practice.

We recommend that the Commission discharge these two deputy wardens, and also advise that the penalties provided by law for such flagrant disregard of the Commission's orders be enforced against the lessees.

The undersigned were amazed at the indifference as to proper official conduct with which deputy wardens and lessees have looked upon this practice, and indeed it seems to have become a custom acquiesced in by all and sanctioned by the former State Warden, who had knowledge of it, and in at least one instance advised it.

We find also, that in several instances, as will be noted in the evidence, physicians and guards received compensation or perquisites from lessees, in one instance the Secretary of the Commission, in informing a camp physician of a reduction in his salary, advising that he look to the lessee for the amount of the reduction, which he did.

There is no excuse which can palliate such conduct in State officials. These deputy wardens occupied positions of the highest responsibility and trust. Their duty was to the State and to the State alone. They were entrusted with the care of the State's convicts, whose labor alone had been hired to the lessees. The law and the rules of the Commission required them to see that the reasonable labor sold to the lessees was delivered; they were required to see that the convicts were worked humanely, under sanitary conditions and healthful surroundings,

within fixed hours, and were fed, clothed, housed and cared for in health and in sickness, according to specific rules laid down in the law and by the Commission acting under the law. By this same law and under these rules, and under their contracts and bonds, the lessees owed the State solemn duties, for the failure to perform which heavy penalties and forfeitures were prescribed by the law and nominated in the bonds. The wardens stood as the watchmen of the State and the guardians of its convicted criminals. For these trusted State officers to become also the employees of the lessees, and to receive from them compensation frequently as large as that paid by the State and oftentimes from twenty-five to one hundred and fifty per cent. larger, was to place themselves under such obligations as would interfere with, if not render impossible, honest discharge of their duties to the State or its wards. No mere man can serve two masters with conflicting interests. This is the truth of God, as well as human experience. The evidence before us conclusively proves that deputy wardens are not exceptions, and many of the violations of rules and abuses of convicts, clearly established by the evidence, are due to the existence and universal practice of this pernicious custom. It is no extenuation to contend that the State paid these officers only meagre salaries. We believe these salaries are too small, but the State officer who has no higher conception of official duty and propriety than to supplement insufficient salaries by the acceptance of gratuities from lessees

whose interests are opposite to those of the State, and may at any time become conflicting, or involve the incurring of heavy penalties or the forfeiture of valuable contracts, and in which his conduct may be the deciding issue, puts himself where it may become impossible to earn even the meagre salary paid by the State.

It is no excuse for intelligent lessees to argue that these wardens were rendering them services for this compensation. They doubtless were, and this constitutes in itself a ground for serious criticism. These services in many cases were such as ought not to have been rendered, because in conflict with services owed the State, and where this might not be true they required the time of State officers which belonged to the State, and unquestionably distracted their minds and attention from the discharge of official duties in positions of great and real trust.

We feel bound to criticise intelligent lessees even more severely than we do underpaid wardens. These lessees are business men of ability, experience and character, and it seems to us that a moment's reflection would have impressed them with the grave impropriety of such practices.



## II.

“2. If any member of the Prison Commission knew or had reason to believe that any chief warden, warden, guard or other employee or officer of the State was trafficking in the convicts of the State and deriving a profit from the leasing or subleasing of the same or receiving any compensation from any lessee.”

Each member of the Prison Commission has specifically denied under oath any knowledge, official or otherwise, of the above mentioned conditions, and we accept this as true.

We believe, however, that the Commission is subject to criticism for not having information as to the conditions and practices in its department and by its employees, which were notorious, universal, and extending through the whole period of its existence. Every lessee and warden before the Committee stated that no effort was made to conceal such practices, but that they were generally known about the camps. The State Warden knew of the custom. Every deputy warden knew that practically every other deputy warden was receiving such compensation, and the guards and employees and even some of the convicts knew of the practice. As before stated, we are convinced that many of the violations of rules by lessees and many of the abuses in the system, shown in the evidence, grew out of and continued because of the fact that the State officers whose duty it was to

prevent or report such infractions and abuses, were in the employ of the lessees, were themselves parties to these violations, and therefore incapable of fearlessly reporting themselves or the lessees.

That such general and wide-spread, virtual, if unintentional or unconscious bribery, could have continued for ten years and extended throughout the whole force of wardens without attracting the notice of the Prison Commission, reflects severely upon its watchfulness and attention to the great trust reposed in it. We find that as far back as March, 1904, Hon. J. M. Strickland, a candidate in that year for the office of Prison Commissioner, charged in the public press over his signature, in a controversy with one of the Commission, that both wardens and guards were receiving money from lessees and that he could substantiate the charge. Such a charge, so publicly made by a reputable citizen, in our opinion, should have been investigated. Had such investigation been made, the truth of the charge must have been discovered, particularly as all of the evidence shows that there was no effort on the part of the parties to conceal it. Had any member of the Prison Commission visited any of these felony camps, he must have seen that the deputy wardens were discharging the duties of superintendents, overseers, and other like work, as at some of these camps they were in absolute and exclusive charge of the entire business of the lessee, discharging important work not required of them as employees of the State, and in conflict with their duties as wardens. This at

least would have put the Commission on inquiry as to whether or not such wardens were doing this work for pay or not.

We, therefore, feel constrained to criticise the Commission for negligence in this respect.

We further find and report, that deputy warden A. J. Harvard now owns an interest in the business of the Flowers Lumber Company, who are lessees of convict labor, and is presumably deriving a profit from the leasing of the convicts worked in this business, and over whom as deputy warden he is placed.

Such an interest is incompatible with a proper discharge of his duties as warden, and we recommend that the Prison Commission demand that he at once dispose absolutely of his interest in the business, or that he be discharged as a deputy warden.

### III.

“3. If any lessee is violating or has violated his contract or any rule or regulation promulgated for the working of the convicts, and if such violation would authorize the forfeiture of the contract and the collection of the damages provided by law.”

We are of the opinion that the rules, regulations, and orders of the Commission have been violated by

the following lessees, and in the following particulars, to-wit:

In night work at the mines of the Durham Coal & Coke Company, and the Lookout Mountain Coal & Coke Company; and at the camp of the Chattahoochee Brick Company, the rules providing that the State's convicts shall be worked only from sunrise to sunset, and have specified rest hours; and also in excessive tasks imposed, and the too frequent whipping for "shortage on tasks" in the Durham Coal & Coke Company and the Lookout Mountain Company's mines.

The evidence also shows that the Chattahoochee Brick Company regularly employs convicts in Sunday work, and has frequently called them out before sunrise and kept them at work after sunset, and at this camp the bedding and clothes and eating quarters have been in a filthy and unsanitary condition.

We also find that Cruger & Pace, at Albany, and the Flowers Brothers Lumber Company, at Blakely, have been working their convicts in violation of the rules before sunrise and after sunset; and that at the plants of the Cherokee Brick Company, and the Bibb Brick Company, and of S. M. Stanley, the sleeping quarters and eating quarters have been filthy and unsanitary and the food served during the visit of the Legislative committee to these camps last fall was severely condemned.

We feel satisfied from the evidence that some of

these violations by the above-mentioned companies were sufficient to work forfeitures of their contracts, and the enforcement of the penalties provided by law for violation of the rules and regulations of the Commission.

In view of the fact that deputy wardens at these camps have been receiving compensation from these lessees, and have been parties to the violations of the rules mentioned and have permitted the same to continue, we recommend that the Commission consider the matter of their discharge.

We find at many of the camps, from the monthly reports of the wardens, that the rules of the Commission prescribing the diet, particularly as to fresh meat, are not complied with, and we recommend that strict inquiry be made as to the diet, and the rules in regard thereto be enforced.

#### IV

“4. If there is or has been any mismanagement or misconduct on the part of any employee, guard or other officer charged with the control and conduct of the Prison Farm in Baldwin county.”

We find and report an utter lack of business methods in practice at the Prison Farm near Milledgeville, and call especial attention to the report of the expert accountants, filed herewith, con-

cerning the lack of books of records, and of any system of accounting at this institution. There are considerable State funds handled at this institution, and a permanent record of receipts and expenditures, with proper vouchers, should be kept. From the evidence we have been able to secure, it is impossible for us to form any conclusion or report whether all State funds received here have been properly accounted for, or whether all expenditures made have been legitimate. This is true from the beginning of the institution, and the large expenditures made in construction account down to date. The evidence shows that since its establishment only one superficial inspection of the memorandum books and records has been made by the secretary of the Commission. The evidence shows that there was no examination of the books, vouchers, records, or any criticism of the lack thereof, by any member of the Commission.

We suggest that a proper system of bookkeeping and accounting, and a complete re-organization at this institution, be directed at once.

The evidence shows that nepotism, a curse to any government, institution or business, is in practice at the Prison Farm. The selection of the guards at the farm is left to the superintendent, and it appears that two of his young sons are from time to time acting as guards, and two of his young nephews acting in the same capacity, all of them being under age, and one son when first appointed being

about eleven years of age. The superintendent's son-in-law acts as bookkeeper at the farm, and another kinsman of the superintendent holds a position as guard.

The evidence discloses that the superintendent at his will keeps horses and other stock on the farm at the expense of the State, the number of live stock at times being, by the superintendent's own testimony, as many as five.

The superintendent is allowed by the Commission a home on the farm for himself and family, but this Committee does not think that he should keep live stock there at the expense of the State, and they recommend that this practice by the superintendent be discontinued.

The evidence further discloses that a good many hogs and beeves are slaughtered on the farm, and the superintendent disposes of the same from time to time, but no proper record of these transactions has been kept.

The evidence further discloses that the purchases necessary for the maintenance of the farm are made by the superintendent alone and without giving a proper opportunity for bidding for the furnishing of such supplies, so as to get the lowest price for the State. Large quantities of groceries are bought, aggregating at times as much as a thousand dollars a month, without any public advertisement for competitive bids; and it appears from the evi-

dence that these purchases are made almost entirely from one firm in Milledgeville. The committee is of the opinion that the needs of the institution should be made known in the press, and opportunity be given for competitive bids to supply the demand.

It is further disclosed by the evidence that it has been the practice of the superintendents of the farm, by and with the consent of the Prison Commission, to allow the convicts on the farm to be worked off of the farm for private individuals by the day in agricultural work and in other work. The committee is of the opinion that this is not a wise policy; that the farm was established and the convicts placed thereon to work upon the farm alone, and the practice of working them elsewhere should be discontinued. No proper record has been kept of the funds received from this source.

The evidence further discloses that there is no effort to keep the whites and blacks separated while at work at the farm or in their eating quarters. The negroes and the whites eat in the same mess hall, though at separate tables. This, in the opinion of the committee, is improper, and in violation of the law. The sleeping quarters, however, of the whites and blacks are separate.

There has been evidence of cruelty in the administration of punishments at the farm. One white man, in receiving a whipping, testified that he was maimed in one of the delicate organs of his body



We have had no evidence contradicting this fact, the rebuttal evidence tending to show that the convict deserved punishment.

The evidence also shows that upon one occasion a negro convict who claimed to be sick, was forced to the field to work, over his protest, by warden Slater. When he arrived at the place to work, he was in no condition to work, as testified by the working boss, was laid in the shade, and in a few hours was a corpse.

Such inhuman neglect in ascertaining the physical condition of convicts before forcing them to hard labor, is cruelty, and should be severely censured.

## V

“5. If the Georgia State Reformatory is being conducted in accordance with the provisions of the Act creating the institution.”

The committee finds that the Georgia State Reformatory is not being conducted in accordance with the provisions of the Act. This Act specifically provided that the whites and blacks should be kept separate. This provision is totally disregarded. There is but one residence building upon the grounds, and the negroes and the whites both sleep and eat in this building, though in different rooms, and they also work together.

The Act further provides that the inmates shall be instructed in the elementary branches of an education. This provision is also disregarded. No teachers whatever have been furnished for instructing these youthful criminals.

The law provides further that they shall be given certain manual training. This has not been done. Indeed, as has been heretofore reported by the Governor, the institution as it is now run is but a juvenile prison farm, and practically no feature of a reformatory is in practice, though the Act creating the institution provides for an up-to-date reformatory

The Prison Commission give as their reasons for not complying with the law that they have not been furnished a sufficient amount of money for the needs of the institution, and we believe that sufficient funds have not been appropriated. They give as their reason for not having constructed separate buildings for the whites and blacks that they did not contemplate that any negroes would be sent to the institution.

The committee is of the opinion that the reformatory is a necessary institution, and that it should be properly cared for by the State, and sufficient funds appropriated for that purpose, and that buildings should be erected so as to keep the whites and blacks separated. The inmates should also be given the manual training provided by the Act, and

teachers should be furnished in accordance with the requirements of the law.

From the evidence submitted, the Committee is of the opinion that the superintendent and the matron, his wife, have done the best they could with the funds and the encouragement they have had. There is no reason why with proper care and a compliance with the law this institution should not be made to do great good in the reformation of youthful criminals, and to otherwise carry out the purpose and intention of the Legislature when it was created. The fact that it is located in the same county wherein the prison farm is located, is no reason why it cannot be made a complete reformatory in fact as well as in name, and its present location should not in any way detract from its usefulness.

The committee recommends that a sufficient appropriation be made at the present session of the General Assembly to construct the necessary buildings, and to purchase the requisite equipment for this institution, and to otherwise supply its needs.

The committee further recommends that the negroes now at this institution be removed to some other place at once, and that hereafter the institution be operated exclusively for whites.

We also recommend that any white inmates now in said institution, who were sent there when over sixteen years of age, be removed, and that the

Prison Commission be given authority to decline to receive any person who it is satisfied is over sixteen years of age at the time of his or her commitment.

## VI.

“6. If there is any mismanagement of, or cruelty to, or other violation of the law or the rules and regulations of the Prison Commission, by any of the lessees, or officers or employees of the State in any of the camps where the convicts are worked by the lessees.”

Charges of cruel and excessive punishment of convicts in quite a number of cases have been brought to our attention. We have investigated several of these cases. Many others have been mentioned to different members of the committee, but the committee has not had time to investigate every case, nor have we considered it necessary to do so. We have deemed it the duty of the committee to investigate such charges only as would indicate whether these cases were merely sporadic, or as liable to occur under the system, or as chargeable to the indifference of the State's officials or the lessees, to the common dictates of humanity. We believe from the evidence that charges of cruelty are well founded. We are unwilling to dismiss as unworthy of belief some of the evidence taken in regard thereto because given by ex-convicts, once convicted murder-

ers, perjurers, or discharged employees and disgruntled contractors. In some cases we have given little weight to all or parts of such testimony, but it should be remembered that much of this evidence is from white ex-convicts, who have been recommended for pardons by the Prison Commission, after serving very small parts of their sentences; that it has related in a majority of instances to cruelties to others, and in exaggerating which they would have no interest; that in many instances their testimony has been corroborated certainly in important particulars, and frequently in whole, and in every instance as to the fact of punishment. It should be remembered that the one case, to-wit, that of the negro convict who was sweated to death in Flower's camp at Jakin, in which the chairman of the Commission and the State Warden acted as prosecutors, was brought to their attention a year after its occurrence through the public press because of revelations made by an ex-convict. The truth is, we deem it almost impossible to secure evidence of cruelties from convicts now in prison or from officers and guards who inflict or permit such while in the employ of the State and the lessees; it is hardly natural to expect evidence from these sources. The State now has two inspectors, one of them has sworn that he has never been, nor ever expects to go into a mine in which the State's convicts are worked, to see what they are doing therein, what is required of them, or what tasks are required of them. The deputy wardens by their own testimony and admis-

sions, rarely inspect these mines, and yet they punish, frequently and severely, on the report of an employee of the lessee that some task has not been accomplished, without actual knowledge of the severity of the task, or of the conditions under which imposed. Under these conditions, about the only source of information as to what happens in these mines or as to the conditions under which the convicts are worked, must come from ex-convicts, or ex-guards, or ex-employees.

A white boy, Abe Winn, afflicted with tuberculosis, accidentally or purposely, it is immaterial which, pours hot coffee on a deputy warden's hog. The deputy warden and owner of the hog, decides that the scalding was purposely done. He proceeds to whip the boy until he is exhausted, and is compelled to go into the hospital, from which only eight weeks later he is brought out a corpse, never having left his bed after admission. The camp physician first reported his case as pneumonia, which he testified afterwards developed into consumption, and that this was the cause of his death. This is doubtless technically true. The boy's own brother, knowing his desperate condition, accepts this as true. These can all be real facts, consumption, let it be admitted, was the cause of the death. But the shocking, horrible truth is that an angry and cruel State officer, selfishly interested in punishing, whipped to the very door of the hospital, from which he was later brought a corpse, a boy within eight weeks of a consumptive's death. The whipping under such

conditions was the cruel fact, whether it was to the death or only to the hospital door.

The negro convict at Jakin, referred to above, is disobedient, unruly, or attempts to escape, it matters not. He doubtless deserves punishment, severe punishment. Let all this be granted; an inhuman State officer decides that he will sweat him, and gives orders accordingly. The convict is sweated, wrapped head and body and feet in blankets and enclosed in a box. He dies. A camp physician certifies that his death was caused by congestion of the lungs. Doubtless it was. The report is accepted without question or investigation. One year later a convict who has finished his term, tells the truth, and though inspectors had visited that camp time and again, no whisper of the truth seems to have reached them. Upon investigation it was found that an ex-convict can tell the truth, though while he is a convict he dare not open his mouth. The cruelty was in the form of punishment administered.

Another negro, Peter Harris by name, claiming to be sick, is whipped and put to work, till he falls exhausted, and two hours later is dead. Some of the witnesses testify that he was whipped to death, others, including the camp physician, that his death was due to congestion from the excessive drinking of cold water while overheated. Whether the whipping caused death or not, does not mitigate the fact that a sick convict, to whom the camp physician swears he had that morning given a purgative, is

later whipped, put to work at admittedly the severest and hottest task, and in a few hours is dead. This constitutes cruelty.

A white man is confined at the Durham Coal Mines under a twenty-year sentence. He refuses to work. The warden decides to administer a whipping. He has the reputation of being a very desperate character. He doubtless needed severe punishment and should have received it. The warden calls him out and orders him to strip to receive a whipping. He refuses and resists all appeals and threats. Finally he draws a razor and starts toward the warden, though shackled. The warden insists he made three efforts to reach him (the warden) and that he finally told him he would shoot if he did not submit. The warden admits he could have kept out of his reach by retreating, and virtually admits his life was not in danger, but that he decided that if he did not shoot him, his authority would be lost, and guards and convicts would no longer respect it, and as he declares, he shot to kill him, aiming directly between his eyes. He hit him in the side of the neck and killed him almost instantly. Ex-guard Tatum swears that when the warden shot, the convict was standing still, had covered his eyes with his hands, and told the warden to shoot. The evidence shows that a coroner's jury investigated this homicide, and two grand juries returned "No Bill."

The committee condemns this homicide. It does



not believe a warden has a right to kill a convict merely to assert his authority or for any salutary effect such a show of authority may have on guards or convicts. He could have only been justified when necessary to protect his own life or that of his guards. He could not have been in serious danger surrounded as he was at the time of the shooting by twenty-five guards, each with loaded shot guns. Any one of them, had the man started to cross the ten or fifteen feet intervening, could have stopped him with a shot. The warden might have been excusable had he shot merely to cripple. When he deliberately killed the man under the circumstances related by him, he committed an unlawful act and should have been punished therefor.

The monthly whipping reports to the Commission, examined by the committee, show an unusually large number of whippings at the Durham Coal Mines, the Lookout Mountain Mines, and the Chat-tahoochee Brick Company. A large percentage of the whippings at these two mining camps are for "shortage on tasks" and for "slate in coal." The hospital reports from the Durham Mines also show what seems to be a large percentage of cases in the hospital resulting from accidents in the mines, from falling slate and similar causes. The evidence before us shows that in these two mines the convicts are required to mine certain quantities of coal in a day, free from some unproven percentage of slate, and that when they fail to secure these tasks or have too much slate in the coal, on complaint of the min-

ing bosses they are whipped by the State's officers. The evidence also shows that the reasonableness of these tasks depends largely on the size of the vein, on the conditions under which the mining is carried on, on the expertness of the particular operator, on the amount of "propping" to be done, and the fact as to whether properly prepared and sized propping material is supplied, on the "greenness" of the operator, etc.

The evidence further shows that the mining boss or foreman, an employee of the lessee, fixes the task, and decides if it has been obtained, or if there is too much slate in it.

The evidence shows that neither inspector Deadwyler, nor inspector Burke have ever been into either of these mines. Inspector Deadwyler is seventy-three years old, too old in our opinion for the arduous duties of an inspector—he declares that he never expects to go into a mine to see what is required of these convicts, or under what conditions it is required, and frankly admits that he does not know what is a reasonable task. Inspector Burke testified that he started into the Durham mines once and went about a hundred yards, when the water and mud were so bad it would ruin the only suit of clothes he had with him, and he abandoned the inspection. He further testified that he could not enter the Lookout mine if he wanted to.

The evidence is that occasionally a deputy warden goes into the mine, but that others have never been.

Deputy warden Ivey was formerly in charge of about fifty convicts at the Palmer Brick Yard. His evidence, and his reports show, that he would go for weeks or months without a whipping, or only one or two. Some time since he and his squad were moved to the Lookout mine, and at once he began to frequently administer to this same squad twenty-five and upwards whippings a month, a large percentage of which were for "idleness" or "failure to get tasks."

The undersigned are satisfied from the evidence that the whippings at these two mines are excessive and too frequent. These official reports, we are satisfied from the evidence, are not always accurate, but ought to be investigated. Men, even convicts, are not going to "idle" or fail to get their tasks week after week, when they know a whipping is certain, if the tasks are fair, reasonable, and within their ability

We have not found in our investigations, a single State official who has fairly investigated this task question, or the conditions under which they are required, and the possibilities of the cruel treatment of the convicts in regard thereto are limitless.

The evidence as to the treatment of convicts at the Chattahoochee Brick Company, the character of the food furnished at times, the filthiness of their sleeping and eating quarters and the excessive and exhaustive work exacted of them, and the punishments inflicted, have convinced us that many of the

humane rules of the Commission have been violated at this camp. The evidence shows that the men are worked overtime and excessively hard, and many of them regularly on Sunday

It is claimed that in a plant of this kind a certain amount of Sunday work is necessary, and that only volunteers are accepted for this work. We utterly reject the belief that there can be much "volunteering" among convicts. They can hardly be called "free agents," and there can be such an anomaly as an "unwilling volunteer" in a convict camp. We do not deny that there may be a certain amount of Sunday work necessary about such a camp, but neither the law nor the rules of the Prison Commission recognize the putting of convicts regularly at this work. There may be emergencies, or "oxen in the ditch" that would justify such employment occasionally, but we believe that regular work, such as keeping fire under a brick kiln from year's end to year's end, Sundays and nights, ought not to be done by convicts. It would be better, if such work is necessary, that it be done by free laborers.

The evidence before us convinces us that deputy warden Casey has habits which unfit him to serve as deputy warden, charged with the physical and moral welfare of convicts, and we join in the recommendation of the Penitentiary Committees of the Senate and House that he be discharged.

From the evidence before us as to the cursing of

a convict in the presence of the Legislative Committee which inspected the Lookout Mountain Mines camp last November, for trying to make a complaint to the Committee, we recommend that Warden Maxwell be discharged. In cursing a convict for any cause he violated a very proper rule of the Commission, and showed himself unfit for his position.

We further find that no member of the Prison Commission, or its Secretary, had knowledge of these acts of cruelty. When they did learn of such, we believe they had the matter investigated. Their existence depended to a large degree upon the deputy wardens in charge of the convicts. We believe that a more thorough system of inspection would have decreased the number of cruelties, and have otherwise contributed to the more humane treatment of the convicts. We recommend that some member of the Prison Commission personally visit each convict camp in the State, at least twice a year, and that the number of inspectors be increased so that these inspections may be more frequent and more thorough.

## VII.

“7 If there is any mismanagement, cruelty, or violation of the law in any road camp or other camp, either misdemeanor or felony, and if any counties are illegally disposing of their misdemeanor con-

victs, and if misdemeanor convicts are being illegally employed or worked.”

The Committee has not had time to investigate thoroughly as to any of the county road camps, but has heard evidence in regard to several, and call attention to criticisms upon several, notably the Floyd, Monroe, Coweta, Jones, Bibb, Sumter and Fulton road camps.

From the evidence before us we are satisfied that cruelties in the form of corporal punishment is rare in the county road camps. The criticism to which these camps seem to be most subject is the lack of sanitary quarters and clean surroundings, and suitable provisions for treatment of the sick and diseased.

We are convinced that the work required is not excessive, and possibly in some counties not hard enough, particularly when they go into winter quarters, and when regular road work in some sections of the State is almost impossible during the winter months.

In the Sumter county camp and the Royster Guano Company's camp we condemn the use of “picks” riveted to the ankles of convicts to prevent escapes. Such appliances, kept on convicts day and night, are cruel and inhuman, and should be forbidden.

We recommend that the Prison Commission at

once bring to the attention of the proper county authorities the criticism made upon these road camps by the members of the visiting Legislative Committees, as shown in the evidence herewith, and direct its inspectors to see that conditions provoking these criticisms be improved.

We especially call attention to those portions of the evidence filed with this report, concerning the existence of so-called "wildeat" or illegal misdemeanor camps.

As a rule these camps, the conditions existing therein, and the cruel and inhuman treatment of unfortunate convicts thus illegally sold into worse than slavery, are a disgrace to a civilized people.

A deplorable feature in regard to these, next to their inhumanity, is the fact that sworn officers of the courts and county governments, are parties thereto, and profit from the blood money wrung from the cruel and illegal labor and sweat of criminals. Sworn to observe the law, and to punish violators of law, these officials themselves disregard the spirit of the law, if they do not violate its letter, and in some instances have shown an amazing degree of ingenuity in trying to clothe their illegal acts in the guise of formal compliance with the letter of the law, all the more reprehensible because it shows that they knew they were violating the spirit.

Some of the cruelties perpetrated in certain of these illegal camps, as shown by the evidence, are

barbaric, and we recommend that the Governor be requested to send transcripts of this evidence to the judges of the counties where these cruelties are perpetrated, that the grand juries may be specially charged with the investigation thereof, as the Prison Commission has no jurisdiction over them.

We strongly recommend that at this session of the General Assembly an Act be passed making it a felony for any State, or county official to hire or lease any misdemeanor convict to any corporation or individual, or through any form of pretended establishment of a county camp attempt to legalize any such hiring to individuals or corporations. No county should be allowed to establish any chaingang except for public roads or public works purposes, directly under the direction of bona fide county officials, and under the supervision, rules and regulations of the Prison Commission.

We especially invite the attention of the Governor to an inquiry as to whether any solicitor-general, county or city court solicitor is or has been a party to or adviser of the establishment of any of these illegal camps, or has consented to, advised or participated in such illegal hiring of misdemeanor convicts to such camps, or placing misdemeanor convicts therein, and take such steps as seem advisable, and if possible to end such practices on the part of the State's law officers.



## VIII.

“8. The investigating Committee is hereby authorized to investigate any and all charges emanating from any source, and investigate any and all conditions whether in the Prison Commission or convict camps, and particularly to find whether or not any of the irregularities charged as existing were within the consent or knowledge of the Prison Commission.”

The undersigned regret to report that in their opinion the Prison Commission has been guilty of grave neglect in the discharge of their responsible duties, and are largely and directly responsible for many of the abuses to which our attention has been drawn.

We find that they have often left important duties to subordinate officials, and have not given that attention to the details of their officers which was essential to a successful administration thereof.

We find the whole department without any proper system of bookkeeping, and at the Prison Farm without any intelligent bookkeeping and accounting.

The Committee is pleased to report that the expert accountants employed by the Committee to audit the books of the Prison Commission's office, report that while the system of bookkeeping in use is crude, and not up to the requirements which ought

to prevail, yet that they show, and proper vouchers prove, that every dollar of public moneys passing through the Commission's office since October 26th, 1900, is properly accounted for.

We have been forced to the conclusion that the Prison Commission has left entirely too much of the responsible administration of the department to the Secretary, and while in their employ, to the former State Warden, Mr. J. C. Moore.

We call attention to the fact as shown by the evidence, that Capt. Yancey is receiving three salaries, to-wit: \$100.00 per month as Secretary, \$30.00 per month as bookkeeper and \$20.00 per month as bookkeeper for the Reformatory. The law does not authorize the employment of a Secretary, but authorizes the employment of a clerk in the Prison Commission's office, whose compensation shall not exceed \$100.00 per month. A bookkeeper is doubtless necessary, but we doubt the policy of designating one employee to fill three offices, and draw more compensation than the law specifically names.

Attention is also called to the fact that the Commission in paying some guards more than \$25.00 per month is openly violating the law. While we think the maximum salary for a guard fixed by law is too small, we do not hesitate to say that the Commission is wrong in paying salaries in excess of those fixed by law.

Under the contracts entered into with the various

lessees, the Commission reserved the right to prorate the normal increase in the convicts over the original allotments, among the different lessees. This has not been done. Dr. Hamby, as successor to Hamby & Toomer, has now 175 of the total excess of 250 over the original allotments, although he is entitled to only about 100, under the Commission's view of the law and contracts.

As there are several lessees who have not their full quota, and whose prices are higher than Dr. Hamby's, if the Commission under the law and the contracts, has the right to prorate the excess, they should have placed the proper pro rata on these higher priced contracts and not have given Dr. Hamby more than his pro rata with loss to the State. The evidence before us shows that Dr. Hamby does not work convicts at all, but hires them solely for speculative purposes, and that at the time of making his last sub-lease contract of fifty convicts, at an annual hire of \$630.00, he did not have a single convict to hire, but sublet this number after talking with the Secretary and having his promise that he should have fifteen to twenty from the Prison Farm, and the remainder as the State secured them from new convictions. For these men Hamby pays the State \$221.25 per annum. We find on June 1, 1908, that the Durham Coal Company were short of its full contract quota eleven men, and that its pro rata of the excess men was thirty-six, making in all about forty-seven men that the Commission, according to its

construction of the law and the contracts, at an average price of \$240.00 each, could have forced this lessee to take, and yet they were given to Hamby at a much lower price, and in excess of the number he had any right to demand or expect, to be sublet by him for \$630.00 per annum. Secretary Yancey, who made the disposition of these men, frankly stated to the Committee that he never thought of the dollars the State might lose, and the Chairman of the Commission stated that until developed by the evidence before the Committee, he had no idea of these excessive assignments to Dr. Hamby for speculative purposes.

We are further convinced that the Commission was guilty of grave neglect in the matter of the appointment of deputy wardens. It is no exaggeration to say that the failure of our lease system, and the abuses which have grown up under it, must be largely charged to the fact that the wardens of the State have been, with a few exceptions, in the employ of the lessees.

But the final responsibility must rest upon the Commission for their appointment. The evidence shows that the selection and appointment of deputy wardens has been very largely left to the Secretary, and that these appointments have been unduly influenced by State Warden Moore and the lessees, notably Dr. Hamby.

The Secretary testified willingly to the fact that

he had the greatest confidence in Hamby's recommendation of men for these positions, even though he must have realized that Hamby's interest could not always be unselfish.

We further find that the Commission has very properly required monthly reports from the wardens, and weekly reports from the camp physicians, and had any attention been paid to such as were sent in, or any effort made to have forced full and accurate reports, many instances of neglect, abuses, and cruelties might have been detected and ended. The Commission seems to have paid little if any attention to these reports. The Secretary says he paid virtually none, preferring to rely upon the verbal reports of the inspectors. We have already commented upon the lack of thoroughness in these inspections. As heretofore stated, one of the two inspectors now employed is more than seventy-three years of age, and he and his colleague do not inspect the mines, in which a large percentage of the State's felony convicts are employed. We very much fear that these inspections are perfunctory and superficial, however honest the inspectors. The former State Warden or Inspector, Mr. Moore, we think was disqualified to do effective work and make impartial reports, considering the fact that the wardens were frequently virtually his appointees, that he was frequently acting as broker in negotiating transfers of convicts, discontinuing camps thereby at some point and establishing them at others, and the partner and debtor of the lessee who controls

over a third of the seventeen hundred and fifty felony convicts subject to his inspection.

The absolute and exclusive management and administration of the prison system is vested by law in the Prison Commission, and as we see it there is no escape by it for final responsibility for the conditions as they exist.

Seemingly unmindful of the grave responsibilities resting alone upon it, it has delegated important duties to indifferent employees and neglected that personal attention which the State had a right to demand of them.

We do not believe that there has been on the part of any member of the Commission, or its Secretary, any financial profit, or any willful or intentional wrongdoing, but we do believe from the evidence that their sins of neglect have been great and deserving of censure.

Respectfully submitted,

T. S. FELDER,

J. E. HAYS,

P. M. HAWES,

Committee on the part of the Senate.

C. M. CANDLEB,

J. W. WISE,

A. J. McMILLAN,

A. P. ADAMS,

T. E. RYALS.

Committee on the part of the House.

August 20, 1908.

Hon. Thos. S. Felder, Chairman,  
Convict Lease Investigating Committee,  
State Capitol,  
City.

.

Dear Sir:—

EXAMINATION OF BOOKS AND RECORDS  
PRISON COMMISSION, STATE FARM  
AND REFORMATORY 1899 TO  
MAY 31, and JULY 19, 1908.

Under your instructions we have made an examination of certain books and records of the Prison Commission and its subsidiaries, the State Farm and Reformatory. Your first instructions were to make a thorough examination from 1897 to date, but later on these were amended as regards the State Farm to cover only the administration of Captain Coombs, the present Superintendent. This is from October, 1903 to June 30, 1908, although for lack of continuous record our several statements of reported Income and Disbursement bring it up only to May 31, 1908.

This report consists of—

Fourteen (14) pages of written matter and

Exhibit A---Receipts and Disbursements Prison  
Commission 1899-1900 (Oct.)

Exhibit B---Receipts and Disbursements Prison  
Commission Oct. 26, 1900-May 31,  
1908.

Exhibit C---Reported Income and Disbursements  
State Farm, October 1903-May  
31, 1908, all attached hereto.

#### PRISON COMMISSION.

We started the work in the office of the Prison Commission July 29th, on the Commissioner's books and records. These consisted of a ledger and journal (used as a cash book, as all cheques were journalized), bank pass books, cancelled bank cheques and their respective stubs on the Lowry National Bank and Fourth National Bank of Atlanta, the Milledgeville Banking Company, the Exchange Bank and the Merchants and Farmers Bank of Milledgeville. Also pay-roll vouchers, purchase invoices and other vouchers.



We noticed that the first date in the Journal and Ledger handed to us was October 26th, 1900. We then asked for the books of record from 1897,—when the Commission was created,—to October, 1900. Judge Turner informed us that no books were kept up to October, 1900, but that all the data would be found in a file of vouchers, etc., purporting to cover this period. Later on,—August 10th,—we were handed a file of vouchers apparently for the period prior to 1900 together with a book stated to be written up from these vouchers. This book was new, the writing was fresh and we found it was made up after we had commenced the investigation.

Our examination of this file showed that the vouchers covered the period of January 6, 1899 to October 6, 1900. We could find no other vouchers for a prior period, if any are extant. On Exhibit A. hereto attached, is a Statement of Receipts and Disbursements for this period. It shows a net balance (Receipts over Disbursements) of \$5,155.78 as at October 6, 1900. Exhibit B. embracing the period covered by the regular ledger and journal, starts off with a net balance as at October 26, 1900, of \$5,177.12, but in the time allowed us to make this examination we are unable to account for the difference of \$21.34. Exhibit B. contains a Statement of Receipts and Disbursements from October 26, 1900 to May 31, 1908, this last date being the end of their fiscal year. It shows a balance in bank of Receipts over Disbursements of \$1,615.87, which is correct from the evidence of the books and records submitted for our

examination, exception hereinafter noted. (Receipts and Disbursements checked from June 1st to July 19, 1908, and found correct.)

## PROGRAMME OF EXAMINATION OF COMMISSIONER'S BOOKS.

We checked the ledger entries from the journal from October 26th, 1900, to July 19, 1908, and footed the ledger for this period.

Checked and verified the pay-rolls (deputy wardens, physicians, guards, etc.), from 1899 to June, 1908.

Examined and verified the five bank accounts (previously described) used by the Commission from October, 1900, to July, 1908.

Checked purchase invoices, receipt vouchers, etc., from 1899 to July, 1908.

Checked cancelled cheques against the journal for the five bank accounts, (previously named) covering the same period.

Examined the Comptroller-General's records with reference to the State appropriation and checked State Farm records (what we had) for amounts turned over to the Commissioners from this source

COMMENT ON COMMISSIONERS BOOKS,  
RECORDS, METHODS, ETC.

Attention has already been called to the writing up nearly ten years later of transactions occurring in 1899 and 1900. Inasmuch as the funds received and disbursed were public funds, we consider it a serious omission that the proper record book was not maintained. It would have been a grave one for a commercial house, but being a matter of State government record, it becomes even more serious.

From October 26th, 1900, to July, 1908, the accounting system in use while simple was fairly well maintained. It is insufficient in detail, is not modern and contains no controlling account, system of check and counter-check—on the Farm and Reformatory records.

The receipts, cancelled cheques, payrolls and purchase invoices were submitted as called for. They were correct with one large error noted below and several minor ones, matters of a few cents, too trivial to detail. (This remark applies only to period October 26, 1900, to July, 1908, and solely to the Commissioner's books, not the State Farm or Reformatory)

The error referred to above was an error in a bill of J. W. English, Jr., board of guards, July, September and August, 1900, footed as \$649.24, whilst

the correct amount is \$469.24, a difference of \$180.00, which was overpaid to Mr. English. Upon calling Captain Yancey's attention to it, he collected the \$180.00, also \$98.70 interest, or \$278.70, which was deposited in the Lowry National Bank to the credit of J. S. Turner, Chairman, on August 4, 1908.

In checking the salary list, we noticed that Captain Goodloe Yancey, clerk of the Commission, started in at a salary of \$100.00, paid by warrant, shortly after which the Commission paid him \$30.00 a month for keeping the books of the Commission and since the Reformatory was started he has been paid an additional \$20.00 making a total of \$150.00 per month.

Also in this period, the State Warden, Mr. J. C. Moore, has been collecting \$140.00 a month salary which was paid by warrant.

In examining the pay-rolls we noticed that many signatures for wages of guards, etc., are in the handwriting of others than the one who earned the wage, and as we went on in the investigation we found it quite a general practice. The following are prominent illustrations:

Fargo pay-roll, October, 1900, of 77 names W. B. Hamby signs for 22; W. H. Mobley signs for 5, can not state positively about balance of the signatures.

Chattahoochee pay-roll, October, 1900, of 24 names.

all except 2 signed x in one handwriting and not witnessed.

Bartow pay-roll, October, 1900, of 29 names all signed in same handwriting.

Coal Creek pay-roll, October, 1900, J. R. Brock receipts for several men's pay

Adrian pay-roll, November, 1900, all but 2 apparently signed in one handwriting.

Donaldsonville pay-roll, December, 1900, all signed in same handwriting.

Egypt pay-roll, March, 1900, all signed in same handwriting.

Adrian pay-roll, January, 1900, and January, 1902, all signed, apparently, by one man.

Sharp (Colquitt) pay-roll, January, 1900, all signed, apparently, by one man.

Albany (Cruger and Pace) pay-roll, January, 1900, -01, -02, -05, -06 and -07, signed, apparently, in one handwriting.

Bartow pay-roll, January, 1900, all signed, apparently, by one man.

Fargo pay-roll, 1900, W B. Hamby, physician and General Superintendent, signs for 19 others. Last item on pay-roll reads "Camp Expenses," as per statement attached, \$61.53, signed for by W B.

Hamby A statement of this amount is attached to pay-roll, but no receipts showing who paid to.

In addition to these signatures accepted indiscriminately, we noticed very many instances wherein guards are paid more than \$25 a month, which we understand to be the limit of their wage prescribed under the Prison Commission Act. The following is a list of them:

Durham.

J. M. Webb, \$27.50 per mo., Jan. '02-April, '03.  
Kirby Jones, \$27.50 per mo., January, 1902, only  
C. L. Tatum, \$27.50 per mo., March '02-Sep. '03.  
C. L. Tatum \$27.50 per mo., Nov., '03-April, '05.  
W L. Gordon \$27.50 per mo., April to June, 1903.  
W L. Gordon \$27.50 per mo., Aug., '03-Aug., '04.  
J. W Brannon \$27.50 per mo., Apr., '03-Jan., '04.  
F L. Ashburn \$27.50 per mo., June-July, 1903.  
A. M. Wingfield \$27.50 per mo., Aug., '03-May, '05.  
Sam Goode \$27.50 per mo., January to May, 1905.  
Sam Goode \$27.50 per mo., Sept., 1904-Nov., 1904.  
Ed Barnes \$27.50 per mo., Nov., to December, 1904.

Milltown.

J. W Brannon \$27.50 per mo., Feb.-Dec., '04.  
J W Brannon \$30.00 per mo., Jan.-April, 1905.

## Lookout.

J H. Williams \$27.50 per mo., May, '04-May, 1905.

## Alexanderville.

W R. Hallman \$27.50 per mo., July, 1904, only

W R. Hallman \$27.50 per mo., Nov., '04-Jan., '05.

W Wilkes, \$27.50 per mo., August, '04-Dec., '04.

## Royston Guano Co.

J M Garrison \$27.50 per mo., June-August, 1906.

Clide Avant \$27.50 per mo., August, 1906, only.

## Rising Fawn.

W H. Autry \$27.50 per mo., January, 1905, only

R. H. Smith \$27.50 per mo., January, 1905, only

Our general comment on the records, etc., in the office of the Prison Commission is that the business was conducted in a very lax manner, vouchers, papers, etc., not properly checked nor sufficiently scrutinized.

## STATE FARM.

The work on the State farm books was started about the same time as the examination of the Commissioner's books: but as we were not able to get

the records until two or three days later, we were somewhat delayed in commencing this work.

On July 29th we were shown a mass of books and papers which upon sorting out and separating we listed in number as twenty-one (21). On August 1st, another lot of books and records were sent in which upon listing we numbered as forty (40), thus making sixty-one (61) in all. After separating this consolidated lot and putting aside for our examination only those which pertained to the financial record and which was finally further reduced to those covering the Coomb's administration we recorded the following books and records:

2 Day Books covering March '03 to July '08

1 Ledger from January, 1903-July, 1908.

1 Pay-roll Book, January, 1903-July, 1908.

and a few scattered duplicate deposit slips.

Also a lot of cancelled cheques on the Milledgeville Banking Company ranging from February 1906-May, 1908. Many cheques properly in this period were missing, none of them were numbered and several not dated. This data was afterwards supplemented by our sending a representative to Milledgeville to get the bank's record of cheques drawn but this was only valuable as showing cheques (and amount of same) missing.



## PROGRAM OF EXAMINATION STATE FARM RECORDS.

With this meager data we endeavored to match the cheques we had with the invoices they paid and compare them with their respective entries on day book and ledger. We examined the pay-roll records submitted, endeavored to trace the disposition of funds received from sale of products and hire of convicts as recorded on their books and constructed a Statement of Income and Disbursements.

This statement was made from the farm records as to Income and partly from farm records and Commission records as to Disbursements. It is correct according to the records from which it was drawn (See Exhibit C). In the time allowed us for this work, we were not able to make any further examination. We would liked to have had more time, particularly to investigate the funds received from hire of convicts.

## COMMENT ON LACK OF RECORDS AT STATE FARM.

The financial affairs of the State Farm were run as though it belonged to an individual and a very careless individual. There is nothing which we could check against except what amounts practically to verbal statements. There was absolutely no sys-

tem about anything. It was all left to one man, Captain Coombs, who states that he knows nothing about the records. Further comment is useless. This being State property, a complete record should have been maintained, depositing all funds in the bank and all disbursements being made therefrom. Ready cash needs should be provided for by a petty cash (Imprest) system. A record should have been provided by the Commission showing number of convicts hired, to whom and price. Also number of convicts on hand, number working and number idle.

## REFORMATORY

When we first entered the office of the Prison Commission, some twenty days ago, we asked for all the records of the Prison Commission, the State Farm and the Reformatory. Although we have made repeated requests for records, vouchers, etc., of the Reformatory, kept by the Superintendent of the Reformatory, we have not succeeded in getting them, notwithstanding that assurances were made to us that they would be produced. We have not received any records, vouchers or any papers kept by the Superintendent of the Reformatory showing his Receipts and Disbursements and can not say whether there are any such in existence or not. The information upon this subject received at the office of the Prison Commission in Atlanta was unsatisfactory, the Commission seeming not to know

whether any financial records were kept at the Reformatory or not. Though the Superintendent testified before your Committee that he did keep a record of his expenditures, as stated above, we have been unable to obtain the same.

Regarding the records, etc., of the Reformatory as kept in the office of the Prison Commission in Atlanta, they were pointed out, but in view of the shortness of the time allowed to us, we were not able to examine them.

As many men were employed by us as could handle the books, etc., without getting in each other's way, but as we had only twenty working days we found the time inadequate to do more than is here reported.

Yours very truly,

THE JOEL HUNTER COMPANY, AUDITORS,

President.

Certified Copy

THE JOEL HUNTER COMPANY,

Auditors.

Joel Hunter, President.

Audit No. 524.

## RECEIPTS AND DISBURSEMENTS PRISON

COMMISSION, JANUARY 6, 1899-

OCTOBER 6, 1900.

## RECEIPTS.

Appropriation . . . . .	\$228,014.76	
Farm Products . . . . .	10,518 45	
Sundries . . . . .	38.33	
	<hr/>	
Total . . . . .		\$238,571.54

## DISBURSEMENTS.

Pay-rolls . . . . .	\$ 47,540.66
Office Expenses . . . . .	582.20
Farm Equipment and Live Stock . . . . .	11,808.18
Farm Expenses . . . . .	10,616.65
Building and Improvements . . . . .	17,847 76
Transportation . . . . .	823.14
Rewards . . . . .	966.67
Camp Expenses . . . . .	203.67
Freight . . . . .	2,055.89
Incidentals . . . . .	29.58
Interest . . . . .	385.39

Guns and Ammunition	2,160.16	
	<hr/>	
Disbursements, Jan. 6, 1899-		
Oct. 1, 1899.	\$95,019.95	
Disbursements, Oct. 13, 1899		
Oct. 6, 1900		
not able to		
classify	138,395.81	
	<hr/>	
		\$233,415.76
		<hr/>
Receipts over Disbursements		\$5,155.78
		<hr/>
Exhibit A.		

## PRISON COMMISSION—RECEIPTS AND DISBURSEMENTS.

OCTOBER 26, 1900—MAY 31, 1908.

## RECEIPTS.

	10-26 9-30-01	00 9-30-01	10-1-01 9-30-02	1-1-01 9-30-02	10-1-01 5-31-03	1-1-02 5-31-03	6-1-03 5-31-04	6-1-04 5-31-05	6-1-05 5-31-06	6-1-06 5-31-07	6-1-07 5-31-08	Total.
ance on hand												
2-26 00	\$ 5,177.12	\$										\$ 5,177.12
ropriation	111,160.00	111,120.00			\$ 71,530.00		\$ 94,010.00	\$ 126,110.00	\$ 135,000.00	\$ 135,000.00	\$ 141,110.00	\$ 925,040.00
ormatory									10,000.00	13,000.00	5,000.00	28,000.00
m Products	13,005.05	19,331.92			23,594.52		25,060.57	982.85	16,532.85	31,550.51	19,332.89	149,391.16
s Payable								19,500.00				19,500.00
Total	\$129,342.17	\$130,451.92	\$ 95,124.52	\$ 95,124.52	\$119,070.57	\$146,592.85	\$161,528.85	\$179,550.51	\$165,442.89			1,127,108.28

## EXHIBIT B.

## PRISON COMMISSION—DISBURSEMENTS.

	10-26-00 9-30-01	10-1-01 9-30-02	10-1-02 5-31-03	6-1-03 5-31-04	6-1-04 5-31-05	6-1-05 5-31-06	6-1-06 5-31-07	6-1-07 5-31-08	Total
Pay-Roll	\$ 96,398.75	\$ 92,016.61	\$ 60,267.60	\$ 90,536.60	\$ 117,988.84	\$ 104,137.98	\$ 113,930.16	\$ 119,164.14	\$ 794,440.68
Inquest	99.00	200.00	65.00	127.60	178.00	102.00	102.35	115.00	988.95
Camp Expenses	907.86	481.67	408.04	573.97	1,103.20	810.49	1,069.87	856.39	6,211.49
Rewards	1,114.11	1,134.60	400.00	1,692.21	1,961.27	1,338.76	2,224.08	2,496.62	12,361.65
Transportation	610.59	746.35	438.80	308.58	905.57	212.65	512.60	175.72	3,710.86
Inspection	770.73	933.98	1,176.17	877.73	2,307.39	1,844.44	2,063.76	1,799.21	11,776.37
Office Expenses	778.57	1,234.76	564.09	1,187.61	596.37	609.03	672.80	484.01	6,127.24
Litigation	363.59	79.83	39.25	63.80	---	---	---	---	551.49
Farm Supplies	15,243.50	23,342.47	12,094.05	21,716.05	15,884.47	21,592.50	21,449.19	18,268.48	149,590.71
Water Works	4,875.49	---	---	---	---	---	5,246.57	---	10,122.06
Permanent Improvements	1,300.83	7,146.36	2,432.78	---	---	---	---	---	10,879.97
Hospital	711.51	1,630.66	1,667.97	554.03	762.47	916.52	810.07	559.13	7,612.36
Interest	22.93	102.40	---	---	215.85	---	---	---	341.18
Bills Payable	---	---	---	---	15,500.00	4,000.00	---	---	19,500.00
State Treasurer	---	---	---	12,000.00	---	2,943.49	31,550.51	18,898.54	60,492.14
Reformatory	---	---	---	---	---	9,607.72	9,016.24	7,261.30	26,885.26
Total	\$ 123,202.46	\$ 129,049.71	\$ 79,553.75	\$ 129,638.18	\$ 157,403.43	\$ 148,115.18	\$ 198,451.20	\$ 170,078.54	\$ 1,125,492.41

Bank Balance ---- 1,615.87

## EXHIBIT B—Cont'd.

Total ---- \$1,127,108.28

**REPORTED INCOME AND DISBURSEMENTS—STATE FARM.**  
OCTOBER, 1903—MAY 31, 1908.  
INCOME.

	Sales	Hire of Convicts	Total
October, 1903—May 31, 1904	\$24,138.47	\$ 83.00	\$24,171.47
June 1, 1904—May 31, 1905	14,744.36	539.69	15,284.05
June 1, 1905—May 31, 1906	1,098.17	263.61	1,367.78
June 1, 1906—May 31, 1907	31,863.32	460.93	32,324.25
June 1, 1907—May 31, 1908	20,166.54	385.90	20,552.44
	\$92,010.86	\$1,689.13	\$93,699.99 — \$93,699.99

**DISBURSEMENTS**

	Traded	Pay-Roll	Commission & State Treas.	Unable to Locate	Total
October, 1903—May 31, 1904		\$329.97	\$23,780.73	\$60.77	\$24,171.47
June 1, 1904—May 31, 1905	.48	729.04	14,554.54	—	15,284.06
June 1, 1905—May 31, 1906		409.68	958.10	—	1,367.78
June 1, 1906—May 31, 1907		773.74	31,550.51	—	32,324.25
June 1, 1907—May 31, 1908	684.60	179.52	19,551.70	136.62 x	20,552.44
	\$685.08	\$2,421.95	\$90,395.58	\$197.39	\$93,700.00
				Difference	.01

x This amount \$136.62 was deposited to the credit of A. B. Coombs, Superintendent.  
Exhibit C



The following Resolution was read and adopted, to-wit:

By Mr. Peacock—

Be it resolved, That the thanks of the Senate be, and are hereby extended to the Committee appointed to investigate the convict question, for the thorough, painstaking and business-like manner in which it has performed its duties.

The following bills were read the first time and referred to the Penitentiary Committee, to-wit:

By Mr. Felder, of 22nd district—

A bill to provide for disposition of certain felony convicts on and after the 1st day of April, 1909, and for other purposes.

By Messrs. Brock, Knight, Sikes, Griffin, Hawes,  
Gordy, Steed, Crittenden and Taylor—

A bill to provide for future employment of felony and misdemeanor convicts, and for other purposes.

By Messrs. Boyd and Martin—

A bill to provide for the abolition of the convict lease system of the State of Georgia, and for other purposes.

One hundred copies of each of the above bills were ordered printed for use of the Senate.

On motion the Senate adjourned until 10 o'clock to-morrow morning.

## SENATE CHAMBER, ATLANTA, GA.

WEDNESDAY, August 26, 1908.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer was offered by the chaplain.

Upon the call of the roll the following Senators answered to their names:

Akin,	Griffin,	Peacock,
Born,	Hardman,	Stapleton,
Boyd,	Hawes,	Steed,
Brantley,	Hayes,	Sikes,
Brock,	Henderson of 15th,	Taylor,
Bush,	Henderson of 39th,	Turner,
Cowart,	Howard,	Walden,
Crittenden,	Hudson,	Walker,
Deen,	Hughes,	Whaley,
Dobbs,	Johnson,	Wilkes,
Farmer,	Knight,	Williford,
Felder,	La Shley,	Mr. President,
Felts,	Martin,	
Gordy,	Mattox,	

Those absent were Messrs.—

Camp,	Stephens,	Weaver,
Overstreet,		

The journal was read and confirmed.

The following bills were withdrawn from the Penitentiary Committee, read the second time and ordered recommitted to said Committee, to-wit:

A bill to provide for the disposition of certain felony convicts on and after the 1st day of April, 1909.

Also a bill to provide for future employment of felony and misdemeanor convicts.

Also a bill to provide for the abolition of the convict lease system in the State of Georgia.

The following bill was read the first time and referred to Committee on Penitentiary.

By Messrs. Deen, Williford and Hardman.

A bill to regulate the treatment and control of dependent and delinquent children and for other purposes.

On motion the Senate adjourned until 10 o'clock to-morrow morning.

## SENATE CHAMBER, ATLANTA, GA.

THURSDAY, August 27th, 1908.

The Senate met pursuant to adjournment and was called to order by the President pro tem.

Prayer was offered by the chaplain.

Upon the call of the roll the following Senators answered to their names.

Akin,	Gordy,	Mattox,
Born,	Griffin,	Peacock,
Boyd,	Hardman,	Stapleton,
Brantley,	Hawes,	Steed,
Brock,	Hayes,	Sikes,
Bush,	Henderson of 15th,	Taylor,
Camp,	Henderson of 39th,	Turner,
Cowart,	Howard,	Walden,
Crittenden,	Hudson,	Walker,
Deen,	Hughes,	Weaver,
Dobbs,	Johnson,	Whaley,
Farmer,	Knight,	Wilkes,
Felder,	Lashley,	Williford,
Felts,	Martin,	Mr. President,

Those absent were Messrs.—

Overstreet,                      Stephens.

The journal of yesterday's proceedings was read and confirmed.

Mr. Brock, Chairman of the Committee on Penitentiary, submitted the following report:

*Mr President:*

The Committee on Penitentiary have had under consideration the following Senate bills which I am instructed to report back to the Senate without recommendation, to-wit:

A bill to provide for the disposition of certain felony convicts on and after April 1st, 1909.

Also,

A bill to provide for future employment of felony and misdemeanor convicts.

Also,

A bill to provide for the abolition of the convict system of the State of Georgia.

The Committee recommends that the following Senate bill be read the second time and recommitted to the Penitentiary Committee, to-wit:

A bill to regulate the treatment and control of delinquent children and for other purposes.

Respectfully submitted,

J. R. BROCK, Chairman.

Upon motion of Mr. Camp the report of the Penitentiary Committee was adopted.

The following Senate bill was read the second time and ordered recommitted to the Committee on Penitentiary, to-wit:

A bill to regulate the treatment and control of dependent children and for other purposes.

The following Resolution was read and adopted:

By Mr. Peacock.

A resolution fixing the hour of adjournment of the Senate at 1 o'clock P. M. unless otherwise ordered.

The following Senate bill was read the third time:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after April 1st, 1909, and for other purposes.

Messrs. Boyd and Martin offered a substitute to the foregoing bill.

Messrs. Brock, Knight, Gordy, Sikes, Crittenden, Griffin, Taylor, Hawes and Steed offered a substitute to the foregoing bill.

Mr. Born offered a substitute to the foregoing bill.

One hundred copies of the substitute by Mr. Born were ordered printed for the use of the Senate.

On motion the Senate adjourned until 10 o'clock tomorrow morning.



## SENATE CHAMBER, ATLANTA, GA.

FRIDAY, August 28th, 1908.

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The Senate met pursuant to adjournment and was called to order by the President.

Prayer was offered by the chaplain.

Upon the call of the roll the following Senators answered to their names:

Akin,	Gordy,	Mattox,
Born,	Griffin,	Peacock,
Beyd,	Hardman,	Stapleton,
Brantley,	Hawes,	Steed,
Brock,	Hayes,	Sikes,
Bush,	Henderson of 15th,	Taylor,
Camp,	Henderson of 39th,	Turner,
Cowart,	Howard,	Walden,
Crittenden,	Hudson,	Walker,
Deen,	Hughes,	Weaver,
Dobbs,	Johnson,	Whaley,
Farmer,	Knight,	Wilkes,
Felder,	Lashley,	Williford,
Felts,	Martin,	Mr. President,

Those absent were Messrs.—

Overstreet,	Stephens,
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The journal of yesterday's proceedings was read and confirmed.

Leave of absence was granted Mr. Felts until next Monday.

The following Resolution was offered, to-wit:

By Mr. Gordy—

A resolution providing that until otherwise ordered the sessions of the Senate shall be from 10 o'clock A. M. to 1 o'clock P. M. and from 3 o'clock P. M. to 5 o'clock P. M.

Mr. Gordy moved to suspend the rules and take up the resolution, which motion did not prevail.

Under the rules the resolution was laid over.

Mr. Brock, Chairman of the Penitentiary Committee, submitted the following report:

*Mr. President:*

The Committee on Penitentiary have had under consideration the following Senate bill which I am instructed to report back to the Senate, without recommendation, to-wit:

A bill to regulate the treatment and control of dependent children.

Respectfully submitted,

J. R. BROCK, Chairman.

The Senate took up the unfinished business of yesterday's session to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after April 1st, 1909, and for other purposes.

Messrs. Boyd, Martin, Farmer, Felts, Cowart, Akin, Camp, Henderson of 39th; Walker, Deen, Turner, Lashley, Griffin, Stapleton, Brantley, Hughes, Felder, Walden, Whaley, Hardman, Peacock, Dobbs and Johnson, offered a substitute to the foregoing bill.

One hundred copies of the above substitute were ordered printed for the use of the Senate

Mr Mattox offered the following Resolution, to-wit:

That when this Senate adjourn to-day, that it stands adjourned until 10 o'clock Monday

Upon the adoption of this resolution the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Dobbs,	Martin,
Boyd,	Farmer,	Mattox,
Brantley,	Henderson of 39th,	Stapleton,
Brock,	Howard,	Turner,
Camp,	Hudson,	Walker,
Cowart,	Lashley,	
Deen,		

Those voting in the negative were Messrs.—

Bush,	Henderson of 15th,	Walden,
Crittenden,	Hughes,	Weaver,
Felder,	Knight,	Wilkes,
Gordy,	Peacock,	Williford,
Hardman,	Steed,	
Hayes,	Taylor,	

Those not voting were Messrs.—

Born,	Johnson,	Whaley,
Felts,	Overstreet,	Mr. President,
Griffin,	Stephens,	
Hawes,	Sikes,	

The Resolution was adopted.

Mr. Hays moved to reconsider the action of the Senate in adopting the foregoing resolution,

Upon the adoption of the motion the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Born,	Henderson of 15th,	Weaver,
Bush,	Hughes,	Whaley,
Crittenden,	Knight,	Wilkes,
Felder,	Steed,	Williford,
Gordy,	Taylor,	
Hayes, •	Walden,	

Those voting in the negative were Messrs.—

Akin,	Farmer,	Martin,
Boyd,	Griffin,	Mattox,
Brantley,	Henderson of 39th,	Stapleton,
Camp,	Howard,	Sikes,
Cowart,	Hudson,	Turner,
Deen,	Johnson,	Walker,
Dobbs,	Lashley,	

Those not voting were Messrs.—

Brock,	Hawes,	Stephens,
Felts,	Overstreet,	Mr. President,
Hardman,	Peacock,	

The motion to reconsider was lost.

Leave of absence was granted Mr. Stevens until Monday

The Senate adjourned until Monday at 10 o'clock a. m.

## SENATE CHAMBER, ATLANTA, GA.

MONDAY, AUGUST 31st, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hardman,	Peacock,
Born,	Hawes,	Stapleton,
Boyd,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Stephens,
Brock,	Henderson of 39th,	Sikes,
Bush,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Cowart,	Hughes,	Walden,
Crittenden,	Johnson,	Walker,
Dobbs,	Knight,	Weaver,
Farmer,	Lashley,	Whaley,
Felder,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Overstreet,	Mr. President,

Those absent were Messrs.—

Deen,

Felts,

The journal of Friday's session was read and confirmed.

The following resolution was read and laid over to-wit:

By Mr. Henderson, of 15th District—

That a committee composed of the authors of the various bills relating to the convict question with three other Senators, be appointed to determine which bill shall be adopted as the one to be further considered and perfected.

The following resolution was taken up and adopted to-wit:

By Mr. Gordy—

That until otherwise ordered the sessions of the Senate shall be from 10 a. m., to 1 p. m., and from 3 p. m. to 5 p. m.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof:

*Mr. President:*

The House has passed by the requisite constitutional majority the following bill of the House to wit:

A bill to provide for the future employment of

felony and misdemeanor male convicts on the public roads and for other purposes.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof:

*Mr President:*

The House has passed by the requisite constitutional majority the following bill of the House to-wit:

A bill to provide for the establishment of children's courts and for other purposes.

The following House bills were read the first time.

By Mr Holder, of Jackson—

A bill to provide for future employment of felony and misdemeanor convicts upon the public roads.

Referred to the Penitentiary Committee.

By Mr Adams, of Chatham—

A bill to provide for the establishment of children's courts and for other purposes.

Referred to the General Judiciary Committee.



The Senate took up the unfinished business of Friday's session, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after April 1st, 1909, and for other purposes.

Pending discussion on the bill and substitutes thereto, the hour of adjournment having arrived, the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon motion of Mr. Henderson of 15th district, the call of the roll was dispensed with.

The Senate took up the unfinished business of the morning's session, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after April 1st, 1909.

Pending discussion of the bill and substitutes, the hour of adjournment having arrived the Senate adjourned until 10 o'clock to-morrow morning.

## SENATE CHAMBER, ATLANTA, GA.

TUESDAY, SEPTEMBER 1st, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon call of the roll the following Senators answered to their names.

Akin,	Hardman,	Stapleton,
Born,	Hawes,	Steed,
Boyd,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th,	Taylor,
Bush,	Howard,	Turner,
Camp,	Hudson,	Walden,
Cowart,	Hughes,	Walker,
Crittenden,	Johnson,	Weaver,
Deen,	Knight,	Whaley,
Dobbs,	Lashley,	Wilkes,
Farmer,	Martin,	Williford,
Felder,	Mattox,	Mr. President.
Gordy,	Overstreet,	
Griffin,	Peacock,	

Those absent were Messrs.—

Felts,

The Journal of yesterday's session was read and confirmed.

The following House bill was withdrawn from the General Judiciary Committee, read the second time, and ordered recommitted to said Committee, to-wit:

A bill to provide for the establishment of children's courts, and for other purposes.

Mr. Brock Chairman of the Committee on Penitentiary submitted the following report:

*Mr. President:*

The Committee on Penitentiary have had under consideration the following House bill which I am instructed to report back to the Senate, without recommendation, to-wit:

A bill to provide for future employment of felony and misdemeanor convicts upon the public roads.

Respectfully submitted,

J. R. BROCK, Chairman.

Mr. Knight rose to a question of personal privilege.

The following resolution was read and adopted by a rising vote, to-wit:

By Messrs. Crittenden, Weaver and Born—

In view of certain article appearing in the Atlanta Georgian questioning Senator Jno. P Knight purposes in the position he has taken on the convict question. We, the Senators of Georgia, resolved that we have the highest regards for Senator Knight, both in his integrity and honesty of purpose, and we do not approve of newspapers making such attacks upon any of our body That these resolutions be placed upon the minutes of this Senate.

Senators,

Crittenden,

Weaver,

Born.

The following House bill was read the second time, to-wit:

A bill to provide for future employment of felony and misdemeanor convicts, upon the public roads.

Mr. Steed moved to make House bill No. 1 the special order for to-morrow immediately after the confirmation of the journal.

Mr. Felder moved as a substitute that House bill

No. 1, be made the special and continuing order immediately after the disposition of Senate bill No. 1 now pending, which substitute was adopted.

The Senate took up the unfinished business of yesterday's session, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after the 1st day of April, 1909.

Mr. Henderson, of 15th district called for the previous question on the bill and substitutes thereto.

Mr. Felder moved as a substitute that the Senate proceed to vote on the bill and substitute at 4 o'clock p. m. and that the main question be ordered at that hour, which substitute was adopted.

Pending discussion on the bill and substitutes thereto the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m., and was called to order by the President.

Upon motion of Mr. Gordy the call of the roll was dispensed with.

Mr. Akin, Vice-Chairman of the General Judiciary Committee submitted the following report:

*Mr. President:*

The Committee on General Judiciary have had under consideration the following House bill which I am instructed to report back to the Senate with the recommendation that the same do pass, to-wit:

A bill to provide for the establishment of children's courts and for other purposes.

Respectfully submitted,  
PAUL F. AKIN, Vice-Chairman.

The Senate took up the unfinished business of the morning's session, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts on and after the 1st day of April, 1909.

Mr. Crittenden offered a substitute to the foregoing bill.

Upon the adoption of the substitute the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Crittenden,	Hayes,	Taylor,
Griffin,	Knight,	Weaver,
Hawes,	Mattox,	

Those voting in the negative were Messrs.—

Akin,	Gordy,	Peacock,
Born,	Hardman,	Stapleton,
Boyd,	Henderson of 15th,	Steed,
Brock,	Henderson of 39th,	Stephens,
Bush,	Howard,	Walden,
Camp,	Hudson,	Walker,
Cowart,	Hughes,	Whaley,
Deen,	Johnson,	Wilkes,
Dobbs,	Lashley,	Williford,
Farmer,	Martin,	
Felder,	Overstreet,	

Those not voting were Messrs.—

Brantley,	Sikes,	Mr. President,
Felts,	Turner,	

The substitute was lost.

The substitute offered by Mr. Boyd and others was taken up.

The amendment by Mr. Gordy was taken up, and

upon the adoption of the same the ayes and nays were ordered on the following amendment and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hayes,	Mattox,
Brock,	Henderson of 15th,	Steed,
Crittenden,	Howard,	Sikes,
Gordy,	Hudson,	Taylor,
Griffin,	Johnson,	Weaver,
Hardman,	Knight,	Wilkes,
Hawes,	Lashley,	

Those voting in the negative were Messrs.—

Akin,	Dobbs,	Peacock,
Born,	Farmer,	Stapleton,
Boyd,	Felder,	Stephens,
Bush,	Henderson of 39th,	Walden,
Camp,	Hughes,	Walker,
Cowart,	Martin,	Whaley,
Deen,	Overstreet,	Williford,

Those not voting were Messrs.—

Felts,	Turner,	Mr. President,
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The amendment was lost.

The amendment is as follows:

Amend amendment by Senator Deen and Dobbs



by adding after the words "expire" in line 3 of printed bill the following words: *Provided*, that nothing herein contained shall be construed to prevent the Commissioner to be elected in next October election from serving the term for which he is to be elected.

The amendments offered by Messrs. Deen and Dobbs were taken up, and upon the adoption of the same, the ayes and nays were ordered on the following amendment, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Bush,	Henderson of 15th,	Stapleton,
Deen,	Henderson of 39th,	Sikes,
Dobbs,	Johnson,	Whaley,
Gordy,	Lashley,	Williford,
Griffin,	Martin,	

Those voting in the negative were Messrs.—

Akin,	Felder,	Overstreet,
Born,	Hardman,	Peacock,
Boyd,	Hawes,	Steed,
Brantley,	Hayes,	Stephens,
Brock,	Howard,	Taylor,
Camp,	Hudson,	Walden,
Cowart,	Hughes,	Walker,
Crittenden,	Knight,	Weaver,
Farmer,	Mattox,	Wilkes,

Those not voting were Messrs.

Felts,

Turner,

Mr. President,

The amendments were lost.

The amendments were as follows:

Strike all of Section One of the substitute and insert in lieu thereof the following: That the office of each of the Prison Commissioners of the State of Georgia is hereby abolished as the terms of office of each Commissioner expires; and that part of the Act approved December 21st, 1897, creating these respective offices is hereby repealed to take effect on the expiration of the terms of the present incumbents. Should either of the present incumbents of said offices die or resign the vacancy or vacancies caused shall not be filled.

Further amend by inserting after the word 'respective' in the 4th line of Section Two the following words: The present members of the Prison Commission during their respective terms of office shall also be members of said Board.

The hour of adjournment having arrived the Senate adjourned until 10 o'clock tomorrow morning.

SENATE CHAMBER, ATLANTA, GA.

WEDNESDAY, SEPTEMBER 2nd, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon motion the call of the roll was dispensed with.

Upon motion the reading of the journal of yesterday's session was dispensed with.

The journal was confirmed.

Mr. Steed moved to reconsider the action of the Senate in ordering the previous question on Senate bill No. 1 and the substitutes thereto.

The President ruled the motion out of order.

The Senate resumed consideration of the unfinished business of yesterday's session, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain

felony convicts on and after the 1st day of April, 1909.

The first amendment in order was that of Mr. Wilkes, offered to the substitute of Mr. Boyd and others.

The yeas and nays were ordered on the following amendment and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brock,	Henderson of 15th,	Sikes,
Deen,	Howard,	Taylor,
Dobbs,	Hudson,	Turner,
Gordy,	Johnson,	Weaver,
Griffin,	Knight,	Whaley,
Hardman,	Martin,	Wilkes,
Hawes,	Mattox,	Williford,
Hayes,	Steed,	

Those voting in the negative were Messrs.—

Akin,	Farmer,	Overstreet,
Born,	Felder,	Peacock,
Boyd,	Felts,	Stapleton,
Brantley,	Henderson of 39th,	Stephens,
Camp,	Hughes,	Walden,
Cowart,	Lashley,	Walker,
Crittenden,		

Those not voting were Messrs.—

Bush,	Mr. President,
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The amendment was adopted.

The amendment was as follows:

Strike all of Section 1 after the enacting clause.

The next amendment by Mr. Wilkes was taken up and the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Deen,	Henderson of 39th,
Boyd,	Dobbs,	Martin,
Camp,	Farmer,	Walker,
Cowart,	Felts,	Williford,
Crittenden,	Henderson of 15th,	

Those voting in the negative were Messrs.—

Born,	Hudson,	Steed,
Brock,	Hughes,	Stephens,
Bush,	Johnson,	Sikes,
Felder,	Knight,	Taylor,
Gordy,	Lashley,	Turner,
Griffin,	Mattox,	Walden,
Hardman,	Overstreet,	Weaver,
Hawes,	Peacock,	Whaley,
Howard,	Stapleton,	Wilkes,

Those not voting were Messrs.—

Brantley,	Hayes,	Mr. President,
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The amendment was lost.

The amendment was as follows:

Further amend by inserting after the word "Act" in 5th line of printed bill the following:

The present Prison Commission shall be members of said board during their respective terms of office.

The next amendment by Mr. Knight was taken up.

The ayes and nays were ordered on the following amendment and the vote was as follows:

Those voting in the affirmative were Messrs

Brook,	Hawes,	Steed,
Bush,	Hayes,	Sikes,
Crittenden,	Henderson of 15th,	Taylor,
Deen,	Henderson of 39th,	Turner,
Dobbs,	Howard,	Weaver,
Farmer,	Hudson,	Whaley,
Gordy,	Johnson,	Wilkes,
Griffin,	Knight,	
Hardman,	Mattox,	

Those voting in the negative were Messrs.—

Akin,	Boyd,	Cowart,
Born,	Camp,	Felder,

Felts,	Overstreet,	Walden,
Hughes,	Peacock,	Walker,
Lashley,	Stapleton,	Williford,
Martin,	Stephens,	

Those not voting were Messrs.—

Brantley,	Mr. President,
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The amendment was adopted.

The amendment was as follows:

Strike out all of Section 2 of the substitute.

The next amendment by Mr. Knight, proposing to strike out Section 3, was taken up, and upon the adoption of the same the ayes and nays were ordered. The vote was follows:

Those voting in the affirmative were Messrs.—

Boyd,	Felts,	Turner,
Camp,	Henderson of 39th,	Walker,
Crittenden,	Overstreet,	
Deen,	Peacock,	

Those voting in the negative were Messrs.—

Akin,	Brock,	Cowart,
Born,	Bush,	Dobbs,

Farmer,	Hudson,	Stephens,
Felder,	Hughes,	Sikes,
Gordy,	Johnson,	Taylor,
Griffin,	Knight,	Walden,
Hardman,	Lashley,	Weaver,
Hawes,	Martin,	Whaley,
Hayes,	Mattox,	Wilkes,
Henderson of 15th,	Stapleton.	Williford,
Howard,	Steed,	

Those not voting were Messrs.—

Brantley,                      Mr. President,

The amendment was lost.

The next amendment by Mr Knight, to strike all of Section 4, was taken up.

The yeas and nays were ordered and the vote was follows:

Those voting in the affirmative were Messrs.—

Akin,	Deen,	Sikes,
Bush,	Howard,	Walden,
Crittenden,	Peacock,	

Those voting in the negative were Messrs.—

Born,	Brantley,	Camp,
Boyd,	Brock,	Cowart,



Dobbs,	Henderson of 39th,	Steel,
Farmer,	Hudson,	Stephens,
Felder,	Hughes,	Taylor,
Felts,	Johnson,	Turner,
Gordy,	Knight,	Walker,
Griffin,	Lashley,	Weaver,
Hardman,	Martin,	Whaley,
Hawes,	Mattox,	Wilkes,
Hayes,	Oversleet,	Williford,
Henderson of 15th.	Stapleton,	

Those not voting were Messrs.—

Mr. President,

The amendment was lost.

Mr. Martin offered the following amendment which was adopted, to-wit:

Amend the entire substitute bill by changing Section 3 to Section 1 and renumbering all the other Sections of the bill in accordance therewith and amend further by striking the word “Board” wherever it occurs in the substitute bill and inserting in lieu thereof the words “The Prison Commission.”

Mr. Bush offered the following amendment which was adopted, to-wit:

Amend Section 5, line 2 by striking out Four and

insert Three so as to read three thousand in place of four

Mr. Knight offered the following amendment which was adopted, to-wit:

To strike from said substitute all of Section 5 thereof, and numbering the other Sections accordingly

The following amendment by Mr. Farmer, was adopted, to-wit:

By adding after the words "plans" in Section 6 in 8th line of printed bill, the following: "the plans to be furnished to be such as will best carry into effect the wishes of the respective county authorities as to the character and kind of road to be built.

The following amendment by Mr. Stephens was adopted, to-wit:

Amend Section 6 of printed bill by adding after the word "State" in line 14, the following words "except as to routes and materials as hereinafter provided."

Mr. Deen offered an amendment which was taken

up and upon the adoption of the same the yeas and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Griffin,	Peacock,
Born,	Hardman,	Stapleton,
Boyd,	Hawes,	Steed,
Brantley,	Hayes,	Stephens,
Bush,	Henderson of 15th,	Sikes,
Camp,	Henderson of 39th,	Taylor,
Cowart,	Howard,	Turner,
Crittenden,	Hudson,	Walden,
Deen,	Hughes,	Walker,
Dobbs,	Johnson,	Weaver,
Farmer,	Knight,	Whaley,
Felder,	Lashlev,	Wilkes,
Felts,	Martin,	Williford,
Gordy,	Mattox,	

Those not voting were Messrs.—

Brock,	Overstreet,	Mr. President,
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The amendment was adopted.

The amendment by Mr Deen was as follows:

Amend Section “6” by adding the following at the end of said Section:

“Including the surveying and laying out of a plan

or plans for the drainage of any land or swamp lands that may be found to be necessary to the public health or the public good, or as to increase values and increase population, and it shall be the duty of the Board to consider and recommend or have done drainage and irrigation where and when practicable and profitable to the State in either a financial or Sanitary way.

The following amendment by Mr. Knight was read and adopted, to-wit:

Amend substitute by striking therefrom all of Section 7

The following amendment by Mr. Farmer was read and adopted, to-wit:

Amend Senate substitute to bill No. 1 as follows:

After the last word in Section 13 add the following: *Provided however*, that all felony convicts held by the counties on the 1st day of April, 1909 may be left in their possession for not more than six months upon such reasonable terms as may be agreed upon by the Prison Commission and the proper county authorities, if the Prison Commission should think it to the best interest of the State.

The following amendment by Mr. Stephens was read and adopted, to-wit:

Amend Section 16 of printed bill by adding after the word "roads" and before the word "as" in line 2, the following words: "and with such materials."

Mr. Knight offered the following amendment which was adopted, to-wit:

Strike out lines 3, 4 and 5 of Section 9 the following words: "Upon the recommendation of the supervisor of the penitentiary and in emergencies may act upon his own motion and fill any vacancy

Mr Knight offered the following amendments which were adopted, to-wit:

Amend Section 16 by striking the word "a" between the words "during" and "calendar" in line 8 page 11 of the printed substitute, and substitute in lieu thereof the word "each."

Also amend Section 16 line 7 of page 11 by striking the word "the" at the end of said line and substitute in lieu thereof the word "each."

Mr. Bush offered the following amendment which was adopted, to-wit:

By striking Section 18 from the original substitute.

The following amendment by Mr. Stephens was read and adopted, to-wit:

Amend Section 19 of printed bill by striking the words "two hundred" in line 3 and inserting in lieu thereof the words "one hundred."

The following amendment was read and adopted, to-wit:

By Mr. Akin—

Amend by inserting a new Section immediately preceding the last Section to be approximately numbered, to-wit:

Each member of the Prison Commission shall give his entire time and attention to the duties of the office

The following amendment was read and adopted, to-wit:

By Mr. Deen—

Amend the caption by inserting after the word "convicts" in the first line the following: "on public roads or other public works also the dram-

age and irrigation of lands where and when found to be expedient.

By unanimous consent the session was ordered extended until the substitute was disposed of.

The following amendment was read and adopted.  
By Mr. Martin—

Amend caption as follows by striking out the words “and the establishment of the Board of Control of the penitentiary system and officers connected with the same.

The following amendment was read and adopted.  
By Mr. Felder—

Strike out word “Board” and insert in lieu thereof the words “Prison Commission” in the caption of the substitute.

Upon the question of the adoption of the substitute as amended, the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,

Boyd,

Brantley,

Bush,	Hayes,	Peacock,
Camp,	Henderson of 15th,	Stapleton,
Cowart,	Henderson of 39th,	Stephens,
Deen,	Howard,	Taylor,
Dobbs,	Hudson,	Turner.
Farmer,	Hughes,	Walden,
Felder,	Johnson,	Walker,
Felts,	Lashley,	Whaley,
Griffin,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those voting in the negative were Messrs.—

Born,	Hawes,	Sikes,
Brock,	Knight,	Weaver,
Crittenden,	Overstreet,	
Gordy,	Steed,	

Those not voting were Messrs.—

Mr. President,

The substitute was adopted.

The Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m., and was called to order by the President.

Upon the call of the roll the following Senators answered to their names.

Akin,	Born,	Boyd,
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Brantley,	Hawes,	Stapleton,
Brock,	Hayes,	Steed,
Bush,	Henderson of 15th,	Stephens,
Camp,	Henderson of 39th,	Sikes,
Cowart,	Howard,	Taylor,
Crittenden,	Hudson,	Turner,
Deen,	Hughes,	Walden,
Dobbs,	Johnson,	Walker,
Farmer,	Knight,	Weaver,
Felder,	Lashley,	Whaley,
Felts,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Ovenstreet,	Mr. President,
Hardman,	Peacock,	

Consideration of Senate bill No. 1, to-wit:

By Mr. Felder—

A bill to provide for the disposition of certain felony convicts, was resumed.

By unanimous consent the following amendment to the substitute was offered and adopted.

By Mr. Farmer—

Amend Section 19 by adding after the last word in said Section the following: And no person who under existing laws may have a right to peddle or conduct any business without a license from the State or county or a municipality, shall have a right to sell said imitation beer without paying said tax.

The bill was read third time.

Upon the passage of the bill by substitute the yeas and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Griffin,	Peacock,
Boyd,	Hardman,	Stapleton,
Brantley	Haves,	Steed,
Camp,	Henderson of 15th,	Stephens,
Cowart,	Henderson of 39th,	Walden,
Deen,	Howard,	Walker,
Dobbs,	Hughes,	Whaley,
Farmer,	Johnson,	Wilkes,
Felder,	Lashley,	Williford,
Felts,	Martin,	
Gordy,	Mattox,	

Those voting in the negative were Messrs.—

Born,	Overstreet,	Sikes
Brock,		

Those not voting were Messrs.—

Bush,	Hudson,	Turner,
Crittenden,	Knight,	Weaver,
Hawes,	Taylor,	Mr. President.

The bill having received a requisite constitutional majority was passed by substitute.

House bill No. 1 which was next in order as a

continuous special order was displaced.

The following House bill was taken up for third reading, to-wit:

By Mr. Adams, of Chatham.

A bill to provide for the establishment of children's courts.

The bill was read the third time and the report of the Committee was agreed to.

Upon the passage of the bill the ayes were 28, nays 0.

The bill having received a requisite constitutional majority was passed.

Upon motion of Mr. Felder Senate bill No. 1 was ordered immediately transmitted to the House.

Upon motion the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

THURSDAY, SEPTEMBER 3rd, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon call of the roll the following Senators answered to their names.

Akin,	Hardman,	Stapleton,
Born,	Hawes,	Steed,
Boyd,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th,	Taylor,
Bush,	Howard,	Turner,
Camp,	Hudson,	Walden,
Cowart,	Hughes,	Walker,
Crittenden,	Johnson,	Weaver,
Dobbs,	Knight,	Whaley,
Farmer,	Lashley,	Wilkes,
Felder,	Martin,	Williford,
Felts,	Mattox,	Mr. President,
Gordy,	Overstreet,	
Griffin,	Peacock,	

Those absent were Messrs.—

Deen,

The Journal of yesterday's proceedings were read and confirmed.

Leave of absence was granted Mr Deen for to-day

Mr. Martin Acting Chairman of the Committee on Engrossing submitted the following report:

*Mr President:*

The Committee on Engrossing have examined and found properly engrossed and ready for transmission to the House of Representatives the following Senate bill, to-wit:

A bill to provide for the disposition and working of felony convicts on public roads.

Respectfully submitted,

W C. MARTIN, Acting Chairman.

The following message from the House of Representatives was received through Mr. Boifeuillet, the Clerk thereof:

*Mr. President:*

The House has passed by the requisite constitutional majority the following bill of the House, to-wit:

A bill to provide for the regulation and licensing

of the selling of all drinks and beverages in imitation of beer; to levy a tax on same and to provide for the disposition of the funds so raised and for other purposes.

The following House bill was taken up and read the first time, to-wit:

By Mr. Wise of Fayette—

A bill to provide a revenue for the penitentiary system of the State by requiring a license on manufacture and sale of imitation beer, etc.

Referred to Temperance Committee.

Upon motion of Mr. Steed the Senate took up for a third reading the following bill of the House, to-wit:

By Mr. Holder—

A bill to provide for future employment of felony and misdemeanor convicts upon the public roads.

Messes. Boyd, Martin, Camp, Henderson of 39th district, Turner, Lashlev, Hughes, Felder, Walden, Peacock, Felts, Cowart, Akin, Walker, Deen, Stapleton, Johnson, Whaley, Brantley, offered a substitute to the above bill.

Mr. Steed called for the previous question. The motion was carried and the main question was ordered.

Upon the adoption of the substitute the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hayes,	Stapleton,
Boyd,	Henderson of 15th,	Steed,
Brantley,	Henderson of 39th,	Stephens,
Bush,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Cowart,	Hughes,	Walden,
Dobbs,	Johnson,	Walker,
Farmer,	Lashley,	Whaley,
Felder,	Martiu,	Wilkes,
Felts,	Mattox,	Williford,
Hardman,	Peacock,	

Those voting in the negative were Messrs.—

Born,	Gordy,	Knight,
Brock,	Griffin,	Sikes,
Crittenden,	Hawes,	Weaver,

Those not voting were Messrs.—

Deen,	Overstreet,	Mr. President,
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The substitute was adopted.

The bill was read the third time, and upon its passage the vote was as follows: Ayes 29, nays 5.

The bill having received the requisite constitutional majority was passed, by substitute

on motion of Mr. Felder, House bill No. 1 was read immediately transmitted to the House

Bush was granted leave of absence for balance of session on account of sickness in his family

. Born moved that the Senate adjourn until 10 o'clock tomorrow morning and upon this motion yeas and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Knight,

Mattox,

,

Those voting in the negative were Messrs.—

Gordy,

Steed,

Hardman,

Stephens

Hawes,

Sikes,

Henderson of 15th,

Turner,

,

Johnson,

Walker,

Martin,

Weaver,

,

Overstreet,

Wilkes,

Stapleton,

Williford,



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Those not voting were Messrs.

Brantley,	Henderson of 39th,	Taylor,
Brock,	Howard,	Walden,
Crittenden,	Hudson,	Whaley,
Deen,	Hughes,	Mr. President,
Felts,	Lashley,	
Hayes,	Peacock,	

The motion was lost.

Mr. Felder moved that the Senate adjourn and upon this motion the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Gordy,	Sikes,
Boyd,	Hawes,	Taylor,
Brantley,	Hayes,	Turner,
Bush,	Hudson,	Walker,
Camp,	Hughes,	Weaver,
Cowart,	Johnson,	Whaley,
Crittenden,	Martin,	Wilkes,
Dobbs,	Stapleton,	Williford,
Farmer,	Steed,	
Felder,	Stephens,	

Those voting in the negative were Messrs.—

Porn,	Hardman,	Knight,
Griffin,	Henderson of 15th,	Mattox,

Those not voting were Messrs.

Brock,	Howard,	Walden,
Deen,	Lashley,	Mr. President,
Felts,	Overstreet,	
Henderson of 39th,	Peacock,	

The motion prevailed and the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon motion of Mr. Howard, the call of the roll was dispensed with.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

The House has passed by the requisite constitutional majority the following bill of the House, to-wit:

A bill to create a system of parole on conditional pardons of prisoners convicted for crime and for other purposes.

Also the House has passed by the requisite con-

stitutional majority the following resolution of the House, to-wit:

A Resolution to appoint a commission to inquire into the feasibility of extending the W & A. R. R. to the sea.

The following House Resolution was taken up and read the first time, to-wit:

By Mr. Alexander, of DeKalb—

A Resolution to create a commission to inquire into the feasibility of extending the W. & A. R. R. to the sea.

Referred to the W & A. R. R. Committee.

The following House bill was taken up and read the first time, to-wit:

By Mr. Persons, of Monroe—

A bill to create a system of parole or conditional pardons of prisoners convicted for crime and for other purposes.

Referred to the General Judiciary Committee.

Upon motion the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

FRIDAY, SEPTEMBER 4th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain and upon motion of Mr. Steed the call of the roll was dispensed with.

The Journal of yesterday's proceedings was read and approved.

Mr. Hawes, Chairman of the W & A. R. R. Committee, submitted the following report:

*Mr. President:*

The Committee on W & A. R. R. have had under consideration the following resolution of the House which I am instructed to report back to the Senate with the recommendation that the same do pass. to wit:

A Resolution to create a commission to inquire

into the feasibility of extending the W & A. R. R. to the sea.

Respectfully submitted,

P M HAWES, Chairman.

Mr. Lashley, Vice Chairman of the Committee on Temperance submitted the following report:

*Mr. President:*

The Committee on Temperance have had under consideration the following House bill which I am instructed to report back to the Senate, without recommendation, to-wit:

A bill to provide revenue for the penitentiary system of the State by requiring a license upon the manufacture and sale of imitation beer, etc.

Respectfully submitted,

A. E. LASHLEY, Vice-Chairman.

The following House bill was read the second time, to-wit:

A bill to provide for the support of the convict system by imposing a tax upon imitation beer, etc.

The following House bill was withdrawn from the

General Judiciary Committee, read the second time and ordered recommitted to said committee, to-wit:

A bill to create a system of parole or conditional pardon of prisoners convicted for crime.

The following House Resolution was read the second time.

A Resolution creating a commission to inquire into feasibility of extending the W & A. R. R. to the sea.

Mr. Akin, Vice-Chairman of the Committee on General Judiciary submitted the following report:

*Mr President:*

The Committee on General Judiciary have had under consideration the following House bill which I am instructed to report back to the Senate with the recommendation that the same do pass, as amended, to-wit:

A bill to create a system of parole or conditional pardons of prisoners convicted for crime and for other purposes.

Respectfully submitted,

PAUL F AKIN, Vice Chairman.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

The House disagrees to the Senate substitute for House bill No. 1, known as the Holder Convict Lease bill.

Upon motion of Mr. Felder the Senate refused to recede from its action in adopting its substitute to the following House bill, known as H. B. No. 1, a bill to provide for future employment of felony and misdemeanor convicts.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

The House requests the Senate, to appoint a conference committee on House bill No. 1 and has appointed, as members on the part of the House the following: Messrs. Holder, Jones, of Meriwether; Price of Occonee.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

On account of physical disability Mr Price of

Oconee requested to be relieved from service as a member of the Conference Committee on House bill No. 1 and Mr. Dunbar of Richmond has been appointed in his place.

Mr. Steed moved that a Conference Committee be appointed to consider with the House Committee, the disagreement of the two Houses, on House bill No. 1.

Mr. Felder moved as a substitute that the Senate insist upon its substitute to the bill and refuse to appoint a Conference Committee.

Upon the substitute the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Born,	Henderson of 15th,	Stephens,
Boyd,	Henderson of 39th,	Turner,
Brantley,	Hudson,	Walden,
Camp,	Hughes,	Walker,
Cowart,	Lashley,	Whaley,
Dobbs,	Martin,	Wilkes,
Farmer,	Mattox,	Williford,
Felder,	Peacock,	
Felts,	Stapleton,	

Those voting in the negative were Messrs.—

Brock,	Gordy,	Hardman,
Crittenden,	Griffin,	Hayes,



Howard,  
Johnson,  
Knight,

Steed,  
Sikes,  
Taylor,

Weaver,

Those not voting were Messrs.—

Akin,  
Bush,

Deen,  
Hawes,

Overstreet,  
Mr. President,

The substitute was adopted.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

The House insists on its disagreement to Senate substitute for House Bill No. 1.

The following Resolution was introduced and read, to-wit:

**By Mr. Williford—**

Resolved by the Senate, that the Senate inform the House that the Senate is ready to appoint a Conference Committee upon the Holder bill and substitute provided that no bill, substitute or measure be prepared by this committee which does not, 1st abolish the present lease system on March 31st, 1909.

2nd put the convicts to work upon the public roads, drainage, public works, farms.

Pending discussion the hour of 1 o'clock having arrived the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m.

Upon motion the call of the roll was dispensed with.

The Senate took up the unfinished business of the morning session, to wit: A Resolution by Mr Williford.

Mr. Farmer offered a substitute to the Resolution.

The substitute is as follows, to wit:

Resolved, that the House be informed that the Senate is ready to appoint a Conference Committee to consider House bill No. 1 and the Senate substitute for same.

Resolved, 2nd, That it is the sense of the Senate that the members of the Conference Committee appointed by the Senate should at all times urge the settlement of the differences between the two houses upon the basis, 1st of abolishing the lease March 31,

1909. 2nd working the felony convicts upon the public roads or other public works, drainage, farms.

Upon the adoption of the substitute the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Cowart,	Hughes,	Walden,
Farmer,	Lashley,	Whaley,
Felder,	Mattox,	Wilkes,
Henderson of 39th,	Peacock,	
Hudson,	Stapleton,	

Those voting in the negative were Messrs.—

Akin,	Hardman,	Stephens,
Born,	Hawes,	Sikes,
Boyd,	Hayes,	Taylor,
Brock,	Henderson of 15th,	Turner,
Camp,	Howard,	Walker,
Crittenden,	Johnson,	Weaver,
Dobbs,	Knight,	Williford,
Gordy,	Martin,	
Griffin,	Steed,	

Those not voting were Messrs.—

Brantley,	Deen,	Overstreet,
Bush,	Felts,	Mr. President,

The substitute was lost.

Upon the adoption of the Resolution the ayes and nays were called.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Stephens,
Born,	Hudson,	Turner,
Boyd,	Hughes,	Walden,
Camp,	Lashley,	Walker,
Cowart,	Martin,	Whaley,
Dobbs,	Mattox,	Wilkes,
Farmer,	Overstreet,	Williford,
Felder,	Peacock,	
Henderson of 15th,	Stapleton,	

Those voting in the negative were Messrs.—

Brock,	Hawes,	Steed,
Crittenden,	Hayes,	Sikes,
Gordy,	Howard,	Taylor,
Griffin,	Johnson,	Weaver,
Hardman,	Knight,	

Those not voting were Messrs.—

Brantley,	Deen,	Mr. President,
Bush,	Felts,	

The resolution was adopted.

The following message was received from the House through Mr Boifeuillet, the Clerk thereof.

*Mr President:*

The House has adopted the following resolution, to-wit:

A Resolution, that the Senate be notified that the committee of three members of the House appointed by the Speaker for the purpose of conferring with a committee of the Senate has not been discharged and are ready to meet a committee from the Senate.

Mr. Taylor moved that an uninstructed committee of conference be appointed on House bill No. 1, and substitute thereto.

Upon this motion the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Henderson of 15th,	Stapleton,
Brock,	Henderson of 39th,	Steed,
Crittenden,	Howard,	Stephens,
Farmer,	Hudson,	Sikes,
Felder,	Hughes,	Taylor,
Gordy,	Johnson,	Turner,
Griffin,	Knight,	Walden,
Hardman,	Lashley,	Weaver,
Hawes,	Mattox,	Whaley,
Hayes,	Peacock,	

Those voting in the negative were Messrs.:-

Akin,	Cowart,	Walker,
Born,	Dobbs,	Wilkes,
Boyd,	Martin,	Williford,
Camp,	Overstreet,	

Those not voting were Messrs.-

Bush,	Felts,	Mr. President,
Deen,		

The motion was adopted and the President appointed as the Conference Committee on part of the Senate the following Senators, to-wit:

Messrs. Martin, Peacock and Felder.

Upon motion the Senate adjourned until 10 o'clock to-morrow morning.

## SENATE CHAMBER, ATLANTA, GA.

SATURDAY, September 5th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon motion of Mr. Peacock, the call of the roll was dispensed with.

Upon motion of Mr. Peacock the reading of the Journal was dispensed with.

The Journal was confirmed.

The following House bill was taken up for a third reading and tabled, to-wit:

By Mr. Persons:

A bill to create a system of parole or conditional pardons of prisoners.

The following House bill was taken up for a third reading, to-wit:

By Mr. Wise—

A bill to provide revenue for the convict system of the State by imposing a tax on imitation beer, etc.

Mr. Stephens moved to table the bill, which motion was lost.

The previous question was called for and the main question ordered.

The bill was read the third time.

Upon the passage of the bill the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hardman,	Mattox,
Born,	Hawes,	Stapleton,
Boyd,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Stephens,
Camp,	Henderson of 39th,	Taylor,
Cowart,	Howard,	Turner,
Dobbs,	Hudson,	Walden,
Farmer,	Hughes,	Walker,
Felder,	Johnson,	Whaley,
Gordy,	Knight,	Wilkes,
Griffin,	Martin,	Williford,



Those voting in the negative were Messrs.—

Sikes,

Weaver,

Those not voting were Messrs.—

Brock,

Deen,

Overstreet,

Bush,

Felts,

Peacock,

Crittenden,

Lashley,

Mr. President,

The bill having received the requisite constitutional majority, was passed.

Mr. Martin, chairman on part of the Senate of the Conference Committee on House Bill No. 1 and substitute, submitted the following report:

*Mr. President:*

We, the committee appointed to confer with committee from the House on the differences existing between the two Houses on the convict question, beg leave to report that we have met the Committee from the House and can not agree. Your Committee asks to be discharged.

MARTIN,

PEACOCK,

FELDER.

The Committee was discharged.

The following message was received from the House, through Mr Boifeuillet, the Clerk thereof.

*Mr. President:*

The House requests the Senate to appoint a new Conference Committee on House Bill No. 1, and has appointed the following members on the part of the House.

Messrs. Hall, Wise, Slater.

Mr. Steed moved that the President appoint a new Conference Committee to confer with a like Committee of the House, upon House Bill No. 1, known as the Holder bill and substitute. The motion was adopted and the President appointed as said Committee Messrs. Stephens, Farmer, and Williford.

Upon motion of Mr. Steed the Secretary was instructed to inform the House of the above action.

The following House resolution was taken up for a third reading, to-wit:

By Mr. Alexander, of DeKalb—

A resolution creating a commission to inquire into the feasibility of extending the W & A. R. R. to the sea.

The resolution was read the third time and the report of the committee was agreed.

Upon the passage of the resolution the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Steed,
Born,	Howard,	Stephens,
Brantley,	Hudson,	Taylor,
Brock,	Hughes,	Walden,
Camp,	Knight,	Walker,
Cowart,	Martin,	Whaley,
Farmer,	Mattox,	Wilkes,
Gordy,	Peacock,	Williford,
Hawes,	Stapleton,	

Those voting in the negative were Messrs.—

Boyd,	Griffin,	Johnson,
Crittenden,	Hardman,	Sikes,
Dobbs,	Hayes,	Turner,
Felder,	Henderson of 15th,	Weaver,

Those not voting were Messrs.—

Bush,	Felts,	Overstreet,
Deen,	Lashley,	Mr. President,

The resolution having received the requisite constitutional majority, was passed.

House bill No. 4 and House resolution No. 9 were ordered immediately transmitted to the House.

Mr. Stephens reported that the Conference Committee on House bill No. 1 asked for further time in which to report.

The request was granted, and on motion of Mr. Taylor the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m., and was called to order by the President.

Upon motion of Mr. Peacock the roll-call was dispensed with.

Mr. Stephens, chairman on part of the Senate, of the Conference Committee on House bill No. 1, and substitute, submitted the following report:

*Mr. President:*

We, the committee appointed to confer with committee from the House on differences existing between House and Senate upon the convict question, beg leave to report that we have conferred with the

committee from the House and can not agree. Your committee therefore asks to be discharged.

STEPHENS.

FARMER,

WILLIFORD.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof:

*Mr President:*

The House requests the Senate to appoint a new Conference Committee on House bill No. 1, and has appointed the following members, as a Conference Committee on the part of the House.

Messrs. Heard, of Dooley; Barrett, of Stephens; Anderson, of Bulloch.

Mr. Steed moved that the President appoint a new Conference Committee to confer with a like Committee of the House upon House bill No. 1 and substitute.

The motion was adopted, and the President appointed the following Senators as members of said Committee:

Messrs. Lashley, Boyd, and Akin.

Upon motion of Mr. Henderson, of the 39th district, the session of the Senate was ordered extended until 6 o'clock p. m., unless otherwise ordered.

Upon motion of Mr. Born, the session was extended until 6:30 o'clock, p. m.

Mr. Born moved to take up Senate bill No. 2 for a third reading.

The President ruled the motion out of order.

On motion of Mr. Dobbs the Senate adjourned until 10 o'clock Monday morning.

## SENATE CHAMBER, ATLANTA, GA.

MONDAY, September 7, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll, the following Senators answered to their names :

Akin,	Hawes,	Steed,
Born,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th,	Taylor,
Cowart,	Hughes,	Turner,
Crittenden,	Johnson,	Walden,
Dobbs,	Knight,	Weaver,
Farmer,	Lashley,	Whaley,
Felder,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Stapleton,	Mr. President,

Those absent were Messrs.—

Boyd,	Felts,	Overstreet,
Bush,	Hardman,	Peacock,
Camp,	Howard,	Walker,
Deen,	Hudson,	

The Journal of Saturday's proceedings was **read** and confirmed.

Leave of absence was granted Mr Walker on account of sickness in his family

Mr. Lashley for the Conference Committee on part of the Senate on House bill No. 1 and substitute thereto submitted the following report:

*Mr. President:*

We, your committee appointed to confer with a like committee on part of the House, on the differences of the two Houses on House bill No. 1 and substitute, report that we are unable to agree, and ask to be discharged.

A. E. LASHLEY, Chairman.

Upon motion the committee was discharged.

The following message was received from the House through Mr Boifeuillet, the Clerk thereof:

*Mr. President:*

The House requests that the Senate appoint a new Conference Committee on House bill No. 1 and Senate substitute therefor and has appointed, on the part of the House, the following members:

Messrs. Blackburn, Donalson, Chamlee



Mr. Stephens moved that the President appoint another Conference Committee to confer with a like committee on part of the House, upon House bill No. 1 and substitute.

The motion was adopted, and the President appointed the following Senators as members of said committee: Messrs. Farmer, Henderson 39th, and Walden.

The following Senate bill was read first time, to-wit:

By Mr. Born—

A bill to create a Prison Commission, so as to provide for the disposition of certain felony convicts.

Referred to the Penitentiary Committee.

Mr. Felder moved to adjourn to 3 o'clock p. m., which motion was lost.

Upon motion of Mr. Wilkes, the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

TUESDAY, September 8, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon call of the roll the following Senators answered to their names:

Akin,	Hawes,	Steed,
Born,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th,	Taylor,
Camp,	Howard,	Turner,
Cowart,	Hudson,	Walden,
Crittenden,	Hughes,	Walker,
Dobbs,	Johnson,	Weaver,
Farmer,	Knight,	Whaley,
Felder,	Lashley,	Wilkes,
Felts,	Martin,	Williford,
Gordy,	Mattox,	Mr. President,
Griffin,	Peacock,	
Hardman,	Stapleton,	

Those absent were Messrs.—

Boyd,	Deen,	Overstreet,
Bush,		

The Journal of Monday's proceedings was read and confirmed.

Mr Farmer asked for further time for the Conference Committee having under consideration the differences of the two Houses upon House bill No. 1 and substitute, which request was granted.

Mr Brock, chairman of the Penitentiary Committee, submitted the following report:

*Mr President:*

The Committee on Penitentiary have had under consideration the following Senate bill, which I am instructed to report back to the Senate with the recommendation that the same do pass, to-wit:

A bill to create a Prison Commission for the State of Georgia, so as to provide for disposition of certain felony convicts, and for other purposes.

Respectfully submitted,

J. R. BROCK, Chairman.

The following Senate bill was read the second time, to-wit:

A bill to create a Prison Commission for the State of Georgia, so as to provide for disposition of certain felony convicts.

Upon motion of Mr. Dobbs the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m., and was called to order by the President:

Upon the call of the roll the following Senators answered to their names:

Akin,	Hawes,	Steed,
Born,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th,	Taylor,
Camp,	Howard,	Turner,
Cowart,	Hudson,	Walden,
Crittenden,	Hughes,	Walker,
Dobbs,	Johnson,	Weaver,
Farmer,	Knight,	Whaley,
Felder,	Lashley,	Wilkes,
Felts,	Martin,	Williford,
Gordy,	Mattox,	Mr. President,
Griffin,	Peacock,	
Hardman,	Stapleton,	

Those absent were Messrs.—

Boyd,	Deen,	Overstreet,
Bush,		

The following House bill was taken up for a third reading, to-wit:

By Mr. Persons, of Monroe—

A bill to create a system of parole or conditional pardons of prisoners, convicted of crime

The bill was read the third time and the report of the committee was agreed to.

Upon the passage of the bill the ayes were 23 and nays 0. The bill having received the requisite constitutional majority, was passed as amended.

The amendments were as follows:

Strike the word "private" in the 22nd line of Section 2.

Amend Section 3 in lines 19 and 20 by striking the words "the maximum time fixed by law as the term of his sentence," and insert in lieu thereof the words "the remainder of his original sentence, time paroled may or may not be considered or calculated as a part of the original sentence in the discretion of the Commission," and by striking the remainder of said Section.

Amend by adding a new Section immediately preceeding the repealing clause to be approximately numbered, to-wit:

There shall be established by the Prison Commission, or other proper authorities, a system of grades of behavior for said convicts. The different grades of behavior shall be plainly distinguished by dress or emblem thereon, so that each convict and all per-

sons coming in contact with any convict may at once be able to determine to which grade of behavior said convict belongs.

Mr. Farmer, Chairman of the Conference Committee on House bill No. 1 and substitute thereto, submitted the following report:

*Mr. President:*

Your Committee on Conference, having met a like Committee from the House, and having had under advisement the adjustment of the differences between both branches concerning House bill No. 1, a bill providing for the future disposition of the convicts of Georgia, beg leave to report as follows:

The Senate recedes from its position in reference to the substitute to the bill proposed, and the House and Senate Committees concur in the following amendments to House bill No. 1, to-wit:

Amend caption of the bill by striking the words "except through the Prison Commission in lines ten and eleven.

Amend Section two, by striking the words and figures "April 1, 1909," in the fourth line, and inserting in lieu thereof the words and figures "March 31, 1909."

Amend Section two further by striking the words "except that contracts beginning April 1st, 1911, may be made to December 31st, 1911," in lines eleven, twelve and thirteen.

Amend Section two further by striking the words "for a period not exceeding three years," in lines ten and eleven.

Amend Section two further by adding at the end of said Section the words "or by the exchange of an equal number of convicts."

Amend Section three by striking all of said Section and inserting in lieu thereof the following:

Section 3. Be it further enacted, That in awarding convicts to counties, in excess of their proportion, they shall have the right to have awarded to them as many convicts as they desire upon such terms and conditions as herein set forth, at and for the price of seventy-five (\$75.00) dollars per capita per annum, *provided* that in the event the request by counties should exceed the number of convicts on hand, convicts shall be prorated between those counties making applications for same.

Be it further enacted, That after the counties have been provided with convicts as set forth, and if there should remain any convicts undisposed of, then the privileges conferred upon counties herein, shall be

extended to municipalities of this State, which shall have the right to hire convicts from the Prison Commission in such numbers as might be agreed upon at the price of one hundred (\$100.00) per capita per annum.

Be it further enacted, That after all counties and municipalities have been provided with convicts as herein set forth, the State shall place as many convicts upon the State farm or farms as in the judgment of the said Commissioners it can use and maintain.

Amend Section four by striking all of said Section, and inserting in lieu thereof, the following:

Section 4. Be it further enacted, That if at any time after the expiration of the time in each year for the filing of requisition for such labor by the county authorities or municipalities as herein provided, should it appear that there still remain any convicts whose labor will not be used upon the public roads, bridges or other public works by the counties, municipalities or by the State and who should not be confined at the State farm or farms, the Prison Commission may use such remaining convicts in doing contract work upon such terms and conditions and with such parties as may be agreed upon by the Prison Commission, with the consent and approval of the Governor.



Be it further enacted, That at the time any contract is entered into for work under this Section, that the Prison Commission shall require the parties with whom the contract is made to give a good, sufficient and solvent bond payable to the State that they will faithfully pay the amount of the contract price, and for the faithful performance on their part of all the requirements, terms and conditions of the contract, *provided*, that contract work, as herein set forth, shall cease after January 1st, 1911.

Amend Section five, by striking the words "and private contractors" from line six.

Amend Section eight by striking said Section eight, and numbering remaining Sections accordingly

Amend Section thirteen by striking all of said Section thirteen and inserting in lieu thereof the following:

Section 13. Be it further enacted, That the net proceeds arising from the hire of convicts to counties and municipalities and derived from contract work shall be used by the Prison Commission in working convicts upon the public roads or public works of the counties, which do not elect to take convicts as herein provided, pro rata, at the option of the Prison Commission, and in the event the Prison Commission may elect not to work the roads

in any one or more of said counties, then the pro rata part of said funds for said counties shall be paid into their respective treasuries, to be used for road purposes only

Amend Section fourteen by striking all of said Section fourteen and inserting in lieu thereof, the following:

Section 14. Be it further enacted, That in order to carry into effect the terms of this Act the Prison Commission, with the approval of the Governor, is hereby authorized to purchase or lease for a period of five years, with the option to purchase at any time, one or more tracts of land located at some convenient point, for the purpose of working the convicts thereon; but before said tract or tracts of land is purchased or leased, advertisements asking for proposals shall be published in four of the daily papers of this State, and the abstract of title of said land approved by the Attorney-General.

Amend Section fifteen, by adding after the word "such" at the end of line fourteen, the word "lands."

Amend Section fifteen further by adding the words "or farms" after the words "State Farms" wherever it occurs in said Section.

Amend Section sixteen by adding the words "or farms" after the words "State Farms" wherever it occurs in said Section.

Amend further by adding a new and distinct Section, to be appropriately numbered, to read as follows:

"Be it further enacted that the sum of one hundred thousand (\$100,000.00) dollars be and the same is hereby appropriated out of any funds not otherwise appropriated, for the purpose of carrying out the provisions of this Act and that said sum shall be made immediately available and be paid over to the Prison Commission as it may desire, from time to time, and to be used by it for the purpose of erecting stockades, purchasing live stock, equipment, machinery, and such other material as may be necessary to carry out the provisions of this Act.

Be it further provided, That the sum herein appropriated shall be paid back into the treasury from the funds derived from the special tax imposed upon imitation beer and like beverages to be collected for the year 1909, which said tax has been appropriated by law for the support of the Penitentiary Department.

Amend further by adding another new and distinct Section to be appropriately numbered, to read as follows:

Be it further enacted that whenever convicts are awarded to counties or municipalities under the terms of this Act, said counties may at their option, hold said convicts for a period of three years or surrender them to the Prison Commission at the end of any year on giving the Commission sixty days notice of an intention to do so, or they may be surrendered at any time with the consent of the Prison Commission, *provided further*, that any county or municipality, with the consent and approval of the Prison Commission, may at any time return to the Prison Commission any vicious convicts in their possession.

Your committee respectfully recommends that the agreement reached by the Conference Committee of both branches as herein reported, be adopted.

Second. That said House bill No. 1 as amended be passed by a yea and nay vote, (it carrying an appropriation) by the House and then transmitted to the Senate for concurrence.

Your committee further reports that the recommendations herein set forth have been adopted by a majority vote of both Houses and Senate committees and that each committee simultaneously filed with their respective bodies the recommendation that the agreement herein reached be concurred in by both Houses.

All of which is most respectfully submitted,

IRE E. FARMER,

WM. WALDEN.

We concur for the House.

N W MACKIN,

ERLE M. DONALDSON,

R. L. CHANDLER.

Upon motion of Mr. Stephens the report of the Conference Committee was ordered tabled pending action by the House upon the report.

Mr. Akin moved that the Senate adjourn and upon this motion the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,  
Camp,  
Cowart,

Dobbs,  
Felder,  
Hudson,

Walker,

Those voting in the negative were Messrs.—

Born,  
Brantley,  
Brock,  
Crittenden,  
Farmer,  
Gordy,  
Griffin,  
Hardman,  
Hawes,  
Hayes,

Henderson of 15th,  
Henderson of 39th,  
Howard,  
Hughes,  
Johnson,  
Lashley,  
Martin,  
Peacock,  
Stapleton,  
Steed,

Stephens,  
Sikes,  
Taylor,  
Turner,  
Walden,  
Weaver,  
Whaley,  
Wilkes,  
Williford,

Those not voting were Messrs.—

Foyd,  
Bush,  
Deen,

Felts,  
Knight,  
Mattox,

Overstreet,  
Mr. President,

The motion was lost.

Mr. Born moved that one hundred copies of the Holder bill as amended by the Conference Committee be printed. The motion was adopted.

On motion of Mr. Stephens the Senate reconsidered its action in ordering one hundred copies of the Holder bill and amendments printed.

On motion of Mr. Gordy it was ordered that no more leave of absences be granted except for providential reasons.

On motion of Mr. Flynt one hundred copies of the report of the Conference Committee on House bill No. 1 were ordered printed.

On motion of Mr. Farmer one hundred copies of the Holder bill were ordered printed.

Upon motion of Mr. Stephens the Senate adjourned until 10 o'clock tomorrow morning.

SENATE CHAMBER, ATLANTA, GA.

WEDNESDAY, SEPTEMBER 9th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President pro tem.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hayes,	Steed,
Born,	Henderson of 15th,	Stephens,
Brantley,	Henderson of 39th,	Sikes,
Brock,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Cowart,	Hughes,	Walden,
Crittenden,	Johnson,	Walker,
Dobbs,	Knight,	Weaver,
Farmer,	Lashley,	Whaley,
Felder,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Peacock,	Mr. President,
Hawes,	Stapleton,	

Those absent were Messrs.—

Boyd,	Deen,	Hardman,
Bush,	Felts,	Overstreet,

The Journal of Tuesday's proceedings was read and confirmed.

Leave of absence was granted Mr. Hardman for today.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof

*Mr President:*

The House has concurred in the Senate amendments to the following bill of the House, to-wit:

A bill to create a system of parole or conditional pardons of prisoners convicted of crime and for other purposes.

Mr. Howard, of 20th district offered the following resolution, to-wit:

Resolved, by the Senate, that the House be notified that it is the sense of this body that the report of the Conference Committee should be adopted.

Mr. Born moved to table the resolution which motion was lost.

Mr. Aiken moved that the Senate vote upon this resolution at 4 o'clock p. m. which motion was lost.

Mr. Gordy called the previous question.

The previous question was ordered.

Upon the question "shall the main question be put," the ayes and nays were ordered.



The vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Griffin,	Steed,
Brock,	Hawes,	Sikes,
Camp,	Hayes,	Taylor,
Crittenden,	Howard,	Walden,
Farmer,	Knight,	Weaver,
Gordy,	Stapleton,	Whaley,

Those voting in the negative were Messrs.—

Akin,	Henderson of 39th,	Mattox,
Born,	Hudson,	Stephens,
Cowart,	Hughes,	Turner,
Dobbs,	Johnson,	Walker,
Felder,	Lashley,	Wilkes,
Henderson of 15th,	Martin,	Williford,

Those not voting were Messrs.—

Boyd,	Felts,	Peacock,
Bush,	Hardman,	Mr. President,
Deen,	Overstreet,	

There being a tie vote the President voted aye, and the main question was ordered.

Upon the adoption of the resolution the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hawes,	Taylor,
Brock,	Hayes,	Walden,
Crittenden,	Howard,	Weaver,
Farmer,	Knight,	Whaley,
Gordy,	Lashley,	
Griffin,	Steed,	

Those voting in the negative were Messrs.—

Akin,	Henderson of 39th,	Stapleton,
Born,	Hudson,	Stephens,
Camp,	Hughes,	Sikes,
Cowart,	Johnson,	Turner,
Dobbs,	Martin,	Walker,
Felder,	Mattox,	Wilkes,
Henderson of 15th.	Peacock,	Williford,

Those not voting were Messrs.—

Boyd,	Felts,	Mr. President,
Bush,	Hardman,	
Deen,	Overstreet,	

The resolution was lost.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof.

*Mr President:*

The House has adopted the following resolution, to-wit:

A resolution, That it is the sense of the House that the amendments recommended in the report of the

Conference Committee on House bill No. 1 shall be agreed to, and that the Senate be notified of this action of the House. Further that said House bill No. 1 be returned to the Senate with this report.

The hour of 1 o'clock having arrived the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon the call of the roll the following Senators answered to their names:

Akin,	Hawes,	Stapleton,
Born,	Hayes,	Steed,
Boyd,	Henderson of 15th,	Stephens,
Brantley,	Henderson of 39th,	Sikes,
Brock,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Cowart,	Hughes,	Walden,
Crittenden,	Johnson,	Walker,
Dobbs,	Knight,	Weaver,
Farmer,	Lashley,	Whaley,
Felder,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Peacock,	Mr. President,

Those absent were Messrs.—

Bush,	Felts,	Overstreet,
Deen,	Hardman,	

Mr. Born moved to suspend the rules to take up Senate bill No. 3 for a third reading and upon this motion the ayes and nays were called.

Those voting in the affirmative were Messrs.—

Akin,	Gördy,	Stapleton,
Born,	Henderson of 15th,	Stephens,
Camp,	Henderson of 39th,	Turner,
Cowart,	Hughes,	Walker,
Dobbs,	Johnson,	Wilkes,
Felder,	Martin,	Williford,

Those voting in the negative were Messrs.—

Brock,	Howard,	Taylor,
Crittenden,	Knight,	Walden,
Hawes,	Lashley,	Weaver,
Hayes,	Steed,	Whaley,

Those not voting were Messrs.—

Boyd,	Felts,	Overstreet,
Brantley,	Griffin,	Peacock,
Bush,	Hardman,	Sikes,
Deen,	Hudson,	Mr. President,
Farmer,	Mattox,	

The requisite two-thirds not having voted in the affirmative the motion was lost.

The following message was received from the House through Mr. Boifeuillet, the Clerk thereof.

*Mr. President:*

The House has passed the following resolution, to-wit:

A resolution, To provide for the finishing up of the business of the extraordinary session of the General Assembly

Also

A resolution, Providing for the indexing of the Journals of the House and Senate for the extraordinary session of the General Assembly of 1908.

Mr. Knight moved to take up the report of the Conference Committee on House bill No. 1 and substitute.

Upon this motion the ayes and nays were ordered.

Mr. Akin asked leave to explain his vote and upon this request the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Born,  
Brock,  
Camp,  
Cowart,  
Dobbs,

Felder,  
Henderson of 15th,  
Henderson of 39th,  
Howard,  
Hughes,

Johnson,  
Lashley,  
Martin,  
Stapleton,  
Steed,

Stephens,	Walden,	Whaley,
Taylor,	Walker,	Wilkes,
Turner,	Weaver,	Williford,

Those voting in the negative were Messrs.—

Gordy,	Hayes,	Knight,
Hawes,		

Those not voting were Messrs.—

Akin,	Farmer,	Overstreet,
Boyd,	Felts,	Peacock,
Brantley,	Griffin,	Sikes,
Bush,	Hardman,	Mr. President,
Crittenden,	Hudson,	
Deen,	Mattox,	

The request was granted and he proceeded to explain his vote.

Mr. Born asked leave to explain his vote, upon this request the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hudson,	Sikes,
Brock,	Hughes,	Taylor,
Cowart,	Johnson,	Turner,
Dobbs,	Lashley,	Walden,
Felder,	Martin,	Walker,
Henderson of 15th,	Stapleton,	Weaver,
Henderson of 39th,	Steed,	Wilkes,
Howard,	Stephens,	Williford,

Those voting in the negative were Messrs.—

Camp,	Hayes,	Whaley,
Gordy,	Knight,	
Hawes,	Mattox,	

Those not voting were Messrs.—

Born,	Deen,	Overstreet,
Boyd,	Farmer,	Peacock,
Brantley,	Felts,	Mr. President,
Bush,	Griffin,	
Crittenden,	Hardman,	

The request was granted and he proceeded to explain his vote.

Pending the call of the ayes and nays the following resolution was read and laid over under the rules, to-wit:

By Mr. Knight—

A resolution requesting the Governor to adjourn the General Assembly sine die.

Upon motion the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

THURSDAY, SEPT 10th, 1908

The Senate met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hawes,	Stapleton,
Born,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Stephens,
Brock,	Henderson of 39th,	Sikes,
Camp,	Howard,	Taylor,
Cowart,	Hudson,	Turner,
Crittenden,	Hughes,	Wilden,
Dobbs,	Johnson,	Walker,
Farmer,	Knight,	Weaver,
Felder,	Lashley,	Wilkes,
Gordy,	Martin,	Williford,
Griffin,	Mattox,	Mr. President,
Hardman,	Peacock,	

Those absent were Messrs.—

Boyd,	Deen,	Overstreet,
Bush,	Felts,	Whaley,

The Journal of Wednesday's proceedings was read and confirmed. .



The Senate took up the unfinished business of yesterday being the call of the ayes and nays, upon the motion of Mr. Knight to take up the report of the Conference Committee, upon House bill No. 1

Mr. Brock asked leave to explain his vote, and upon this request, there being objection, the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hawes,	Stapleton,
Born,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Stephens,
Camp,	Henderson of 39th,	Sikes,
Cowart,	Howard,	Taylor,
Crittenden,	Hudson,	Turner,
Dobbs,	Hughes,	Walden,
Farmer,	Johnson,	Walker,
Felder,	Knight,	Weaver,
Gordy,	Lashley,	Wilkes,
Hardman,	Martin,	Williford,

Those voting in the negative were Messrs.—

Griffin,	Mattox,
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Those not voting were Messrs.—

Boyd,	Deen,	Peacock,
Brock,	Felts,	Whaley,
Bush,	Overstreet,	Mr. President,

The request was granted and he proceeded to explain his vote.

Upon Mr. Knight's motion the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Griffin,	Knight,
Brock,	Hardman,	Steed,
Crittenden,	Hawes,	Taylor,
Farmer,	Hayes,	Walden,
Gordy,	Howard,	Weaver,

Those voting in the negative were Messrs.—

Akin,	Henderson of 39th,	Stapleton,
Born,	Hudson,	Stephens,
Camp,	Hughes,	Sikes,
Cowart,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Henderson of 15th,	Mattox,	Williford,

Those not voting were Messrs.—

Boyd,	Felts,	Whaley,
Bush,	Overstreet,	Mr. President,
Deen,	Peacock,	

The motion was lost.

Mr. Knight moved to take up the following resolution.

A resolution calling upon the Governor to adjourn the extraordinary session of the General Assembly

Mr. Felder moved to table the resolution and upon this motion the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Stapleton,
Born,	Hudson,	Stephens,
Camp,	Hughes,	Sikes,
Cowart,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,
Henderson of 15th,	Peacock,	

Those voting in the negative were Messrs.—

Brantley,	Griffin,	Steed,
Brock,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	

Those not voting were Messrs.—

Boyd,	Felts,	Mr. President,
Bush,	Overstreet,	
Deen,	Whaley,	

The motion was adopted.

Mr. Felder moved to suspend the rules to take up Senate bill No. 3 for a third reading. Upon this motion the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Peacock,
Born,	Henderson of 39th,	Stapleton,
Brantley,	Hudson,	Stephens,
Camp,	Hughes,	Sikes,
Cowart,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those voting in the negative were Messrs.—

Brock,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	
Griffin,	Steed,	

Those not voting were Messrs.—

Boyd,	Felts,	Mr. President,
Bush,	Overstreet,	
Deen,	Whaley,	

The necessary two-thirds not having voted in favor of the motion, it was declared lost.

The President announced that under the next order of business, the report of the Conference Committee upon House bill No. 1 was in order.

Mr. Felder moved to table the report and upon this motion the ayes and nays were ordered.

Pending this vote Mr. Knight moved that the Senate adjourn until 9:15 o'clock tomorrow morning.

Pending discussion upon this motion the hour of 1 o'clock having arrived the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hawes,	Stapleton,
Born,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Stephens,
Brock,	Henderson of 39th,	Sikes,
Camp,	Howard,	Taylor,
Cowart,	Hudson,	Turner,
Crittenden,	Hughes,	Walden,
Dobbs,	Johnson,	Walker,
Farmer,	Knight,	Weaver,
Felder,	Lashley,	Wilkes,
Gordy,	Martin,	Williford,
Griffin,	Mattex,	Mr. President,
Hardman,	Peacock,	

Those absent were Messrs.—

Boyd,	Deen,	Overstreet,
Bush,	Felts,	Whaley,

The Senate took up the unfinished business of the morning's session, to-wit: A motion by Mr. Knight that the Senate adjourn until 9:15 o'clock tomorrow morning.

Pending discussion upon this motion the hour of 5 o'clock having arrived the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

FRIDAY, SEPT. 11th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names.

Akin,	Henderson of 15th,	Steed,
Born,	Henderson of 39th,	Stephens,
Brock,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Crittenden,	Hughes,	Walden,
Dobbs,	Johnson,	Walker,
Farmer,	Knight,	Weaver,
Felder,	Lashley,	Wilkes,
Gordy,	Martin,	Williford,
Griffin,	Mattox,	Mr. President,
Hardman,	Overstreet,	
Hawes,	Peacock,	
Hayes,	Stapleton,	

Those absent were Messrs.—

Boyd,	Cowart,	Sikes,
Brantley,	Deen,	Whaley,
Bush,	Felts,	

Mr. Walden rose to a question of personal privilege.

Messrs. Cowart and Whaley were granted leave of absence for today

Mr. Akin moved to suspend the rules and take up Senate bill No. 5, known as the Born bill:

Mr. Knight moved as a substitute that the report of the Conference Committee be taken up, and upon this motion the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Brock,	Hardman,	Steed,
Crittenden,	Hawes,	Taylor,
Farmer,	Hayes,	Walden,
Gordy,	Howard,	Weaver,
Griffin,	Knight,	

Those voting in the negative were Messrs.—

Akin,	Hudson,	Peacock,
Born,	Hughes,	Stapleton,
Camp,	Johnson,	Stephens,
Dobbs,	Lashlev,	Turner,
Felder,	Martin,	Walker,
Henderson of 15th,	Mattox,	Wilkes,
Henderson of 39th,	Overstreet,	Williford,



Those not voting were Messrs.—

Boyd,	Cowart,	Sikes,
Brantley,	Deen,	Whaley,
Bush,	Felts,	Mr. President,

The substitute was lost.

Upon the adoption of the motion of Mr. Akin the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hudson,	Stapleton,
Born,	Hughes,	Stephens,
Camp,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,
Henderson of 15th,	Overstreet,	
Henderson of 39th,	Peacock,	

Those voting in the negative were Messrs.—

Brock,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	
Griffin,	Steed,	

Those not voting were Messrs.—

Boyd,  
Brantley,  
Bush,

Cowart,  
Deen,  
Felts,

Sikes,  
Whaley,  
Mr. President,

The motion not having received the requisite two-thirds vote it was lost.

The reading of the Journal was dispensed with.

The Journal was confirmed.

The President ruled that the unfinished business of Thursday's session was in order, being the motion to take up the report of the Conference Committee on House bill No 1, together with the motion to lay the motion on the table.

Mr. Stephens offered the following resolution, to-wit:

A resolution providing that debate on all subjects and matters be limited to ten minutes to each speaker.

Mr. Felder called for the previous question on the resolution.

Mr. Knight moved to adjourn until 9:15 o'clock tomorrow morning—and on this the point of order was made that the motion was not in order after the call for the previous question.

The President ruled the point of order not well taken.

Mr. Felder appealed from the decision of the chair and addressed the Senate upon the appeal.

Upon the question shall the decision of the chair be sustained, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Born,	Griffin,	Lashley,
Brantley,	Hawes,	Steed,
Brock,	Hayes,	Taylor,
Crittenden,	Howard,	Walden,
Farmer,	Johnson,	Weaver,
Gordy,	Knight,	

Those voting in the negative were Messrs.—

Akin,	Hudson,	Stephens,
Camp,	Hughes,	Turner,
Dobbs,	Martin,	Walker,
Felder,	Mattox,	Wilkes,
Hardman,	Overstreet,	Williford,
Henderson of 15th,	Peacock,	
Henderson of 39th,	Stapleton,	

Those not voting were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The decision of the chair was overruled, and the appeal was sustained.

Mr. Taylor moved to adjourn and upon this motion the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Brook,	Hawes,	Steel,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those voting in the negative were Messrs.—

Akin,	Henderson of 39th,	Peacock,
Born,	Hudson,	Stapleton,
Camp,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Farmer,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,
Henderson of 15th,	Overstreet,	

Those not voting were Messrs.—

Boyd,	Cowart,	Sikes,
Brantley,	Deen,	Whaley,
Bush,	Felts,	Mr. President,

The motion was lost.

Upon the resolution of Mr. Stephens the previous question was called for and the main question ordered.

The ayes and nays were ordered upon the resolution and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Overstreet,
Brantley,	Henderson of 39th,	Peacock,
Brock,	Hudson,	Stapleton,
Camp,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Felder,	Lashley,	Walker,
Gordy,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those voting in the negative were Messrs.—

Born,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Farmer,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those not voting were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The resolution was adopted.

Upon the motion to table the report of the Conference Committee the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs. —

Akin,	Hudson,	Stapleton,
Born,	Hughes,	Stephens,
Camp,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Mr. President,
Henderson of 15th,	Mattox,	
Henderson of 39th,	Peacock,	

Those voting in the negative were Messrs.—

Brantley,	Hardman,	Taylor,
Brock,	Hawes,	Walden,
Crittenden,	Hayes,	Weaver,
Farmer,	Howard,	Wilkes,
Gordy,	Knight,	
Griffin,	Steed,	

Those not voting were Messrs.—

Boyd,	Deen,	Sikes,
Bush,	Felts,	Whaley,
Cowart,	Overstreet,	Williford,

The motion was adopted.

Mr. Knight moved that the Senate reconsider its

action in tabling the report of the Conference Committee.

Mr. Felder called for the previous question.

Upon the question of ordering the previous question the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Overstreet,
Born,	Henderson of 39th,	Peacock,
Brock,	Hudson,	Stapleton,
Camp,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Farmer,	Lashley,	Walker,
Felder,	Martin,	Williford,
Hardman,	Mattox,	

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those not voting were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	Wilkes,
Cowart,	Sikes,	Mr. President,

The previous question was ordered.

Upon the question shall the main question be now put? The ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Overstreet,
Born,	Henderson of 39th,	Peacock,
Brock,	Hudson,	Stapleton,
Camp,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Farmer,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those not voting were Messrs.—

Boyd,	Dcen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The main question was ordered.



Upon the motion to reconsider the action of the Senate in tabling the report of the Conference Committee the ayes and nays were ordered.

The vote was as follows :

Those voting in the affirmative were Messrs.—

Brock,	Hardman,	Steed,
Camp,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	Wilkes,
Griffin,	Overstreet,	

Those voting in the negative were Messrs.—

Akin,	Hudson,	Peacock,
Born,	Hughes,	Stapleton,
Dobbs,	Johnson,	Stephens,
Felder,	Lashley,	Turner,
Henderson of 15th,	Martin,	Walker,
Henderson of 39th,	Mattox,	Williford,

Those not voting were Messrs.—

Boyd,	Cowart,	Sikes,
Brantley,	Deen,	Whaley,
Bush,	Felts,	Mr. President,

The motion was lost.

Mr. Knight moved that the Senate adjourn until 9:15 o'clock tomorrow morning.

Mr. Camp called for the previous question and upon this motion the ayes and nays were ordered.

The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Overstreet,
Born,	Henderson of 39th,	Peacock,
Camp,	Hudson,	Stapleton,
Crittenden,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Farmer,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Steed,
Brock,	Hayes,	Taylor,
Gordy,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those not voting were Messrs. —

Boyd,	Deen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The previous question was ordered.

Upon the question shall the main question now be put the ayes and nays were ordered.

The vote was as follows :

Akin,	Hudson,	Stapleton,
Born,	Hughes,	Stephens,
Camp,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,
Henderson of 15th,	Overstreet,	
Henderson of 39th,	Peacock,	

Those voting in the negative were Messrs.—

Brantley,	Griffin,	Steed,
Breck,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	

Those not voting were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The main question was ordered.

Upon the motion of Mr. Knight the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brock,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	Walden,
Griffin,	Knight,	Weaver,

Those voting in the negative were Messrs.—

Akin,	Henderson of 15th,	Overstreet,
Born,	Henderson of 39th,	Peacock,
Brantley,	Hudson,	Stapleton,
Camp,	Hughes,	Stephens,
Dobbs,	Johnson,	Turner,
Farmer,	Lashley,	Walker,
Felder,	Martin,	Wilkes,
Hardman,	Mattox,	Williford,

Those not voting were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	Mr. President,
Cowart,	Sikes,	

The motion was lost.

Mr. Hays moved to take from the table the report of the Conference Committee upon House bill No. 1.

Upon this motion the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hardman,	Taylor,
Brock,	Hawes,	Walden,
Crittenden,	Hayes,	Weaver,
Farmer,	Howard,	Wilkes,
Gordy,	Knight,	
Griffin,	Steed,	

Those voting in the negative were Messrs.—

Akin,	Hudson,	Stapleton,
Born,	Hughes,	Stephens,
Camp,	Johnson,	Turner,
Dobbs,	Lashley,	Walker,
Felder,	Martin,	Williford,
Henderson of 15th,	Mattox,	
Henderson of 39th,	Peacock,	

Those not voting were Messrs.—

Boyd,	Deen,	Sikes,
Bush,	Felts,	Whaley,
Cowart,	Overstreet,	Mr. President,

The motion was lost.

The hour of adjournment having arrived the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hayes,	Stapleton,
Born,	Henderson of 15th,	Steed,
Brantley,	Henderson of 39th,	Stephens,
Brock,	Howard,	Taylor,
Camp,	Hudson,	Turner,
Crittenden,	Hughes,	Walden,
Dobbs,	Johnson,	Walker,
Farmer,	Knight,	Weaver,
Felder,	Lashley,	Wilkes,
Gordy,	Martin,	Williford,
Griffin,	Mattox,	Mr. President,
Hardman,	Overstreet,	
Hawes,	Peacock,	

Those absent were Messrs.—

Boyd,	Deen,	Whaley,
Bush,	Felts,	
Cowart,	Sikes,	

Mr. Born moved to take up Senate bill No. 5 and put it upon its passage.

Upon this motion the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Stephens,
Born,	Hughes,	Turner,
Camp,	Johnson,	Walker,
Dobbs,	Lashley,	Wilkes,
Felder,	Martin,	Williford,
Hardman,	Mattox,	
Henderson of 15th,	Stapleton,	

Those voting in the negative were Messrs.—

Brantley,	Griffin,	Steed,
Brock,	Hawes,	Taylor,
Crittenden,	Hayes,	Walden,
Farmer,	Howard,	Weaver,
Gordy,	Knight,	

Those not voting were Messrs.—

Boyd,	Felts,	Sikes,
Bush,	Hudson,	Whaley,
Cowart,	Overstreet,	Mr. President,
Deen,	Peacock,	

The requisite two-thirds not having voted in the affirmative the motion was lost.

Upon motion of Mr. Stephens the Senate took up the report of the Conference Committee upon the differences of the two Houses, upon House bill No. 1 and substitute thereto.

The report of the Committee was considered by Sections and each Section was voted upon and rejected.

The report of the Committee as a whole was rejected.

Upon motion of Mr. Felder the secretary was instructed to notify the House of Representatives of the action of the Senate.

Upon motion of Mr. Hays the Senate adjourned until 11 o'clock Monday morning.



## SENATE CHAMBER, ATLANTA, GA.

MONDAY, SEPT. 14th, 1908.

The Senate met pursuant to adjournment at 11 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following Senators answered to their names.

Akin,	Hardman,	Stapleton,
Born,	Hawes,	Steed,
Boyd,	Hayes,	Stephens,
Brock,	Henderson of 15th,	Sikes,
Bush,	Henderson of 39th,	Taylor,
Crittenden,	Howard,	Turner,
Deen,	Hudson,	Walker,
Dobbs,	Johnson,	Whaley,
Felder,	Knight,	Williford,
Felts,	Martin,	Mr. President,
Gordy,	Mattox,	

Those absent were Messrs.—

Brantley,	Griffin,	Peacock,
Camp,	Hughes,	Walden,
Cowart,	Lashley,	Weaver,
Farmer,	Overstreet,	Wilkes,

Mr. Weaver was granted leave of absence for today and tomorrow

The Journal of Friday's session was read and confirmed.

The following resolution was read and laid over under the rules, to-wit:

By Mr. Hardman.

A resolution providing that the Senate shall meet at 10, adjourn at 1, meet at 3 and adjourn at 5, meet at 8, adjourn at 10 o'clock each day hereafter until otherwise ordered.

Mr. Felder moved to suspend the rules and take up the following Senate bill to be put upon its passage, to-wit.

By Mr. Born.

A bill to amend an Act to create a Prison Commission, and to provide for the disposition of certain felony convicts and for other purposes.

Upon this motion Mr. Felder called for the ayes and nays and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,

Born,

Boyd,

Brock,	Hayes,	Steed,
Bush,	Henderson of 15th,	Stephens,
Deen,	Henderson of 39th,	Sikes,
Dobbs,	Hudson,	Taylor,
Felder,	Knight,	Turner,
Felts,	Martin,	Walker,
Gordy,	Mattox,	Whaley,
Hardman,	Stapleton,	Williford,

Those voting in the negative were Messrs.—

Crittenden,

Those not voting were Messrs.—

Brantley,	Howard,	Walden,
Camp,	Hughes,	Weaver,
Cowart,	Johnson,	Wilkes,
Farmer,	Lashley,	Mr. President,
Griffin,	Overstreet,	
Hawes,	Peacock,	

The motion was adopted, and the bill was taken up.

Messrs. Martin, Akin, Cowart, Dobbs, Felder, Henderson, 15th district, Henderson, 39th district, Hudson, Hughes, Johnson, Mattox, Stapleton, Stephens, Sikes, Turner, Wilkes, Williford, Walker, Camp, Lashley, Brantley, Peacock, Deen, Whaley, Boyd, Felts, and Bush, offered a substitute, to the foregoing bill.

Mr. Born offered a substitute to the foregoing bill.

One hundred copies of each of the above substitutes were ordered printed for the use of the Senate.

Mr. Steed of 37th district offered the following resolution which was adopted.

Whereas, the sad intelligence of the death of Dr H. H. Smith, father of Governor Hoke Smith, has reached the Senate. Be it therefore resolved, That the sympathy of this body is hereby tendered our chief Executive in this hour of his great grief, and that out of respect to the deceased and to Governor Smith the Senate stands adjourned till 3 o'clock this p. m.

In accordance with the above resolution the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon motion the roll-call was dispensed with.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof

*Mr. President:*

The House has adopted the following resolution, to wit.

A resolution, tendering the sympathy of the General Assembly to the Governor in the death of his father, Dr. H. H. Smith.

The following House resolution was taken up and concurred in, to-wit:

By Messrs. Candler, Tyson and Holder.

A resolution tendering the sympathy of the General Assembly to the Governor in the death of his father, Dr. H. H. Smith.

Upon motion of Mr. Stephens the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

TUESDAY, SEPT. 15th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names.

Akin,	Hardman,	Steed,
Born,	Hawes,	Stephens,
Boyd,	Hayes,	Sikes,
Brock,	Henderson of 15th,	Taylor,
Bush,	Howard,	Turner,
Camp,	Hudson,	Walden,
Crittenden,	Hughes,	Walker,
Deen,	Johnson,	Whaley,
Dobbs,	Knight,	Wilkes,
Felder,	Martin,	Williford,
Felts,	Mattox,	Mr. President,
Gordy,	Peacock,	
Griffin,	Stapleton,	

Those absent were Messrs —

Brantley,	Henderson of 39th,	Weaver,
Cowart,	Lashley,	
Farmer,	Overstreet,	

The Journal of Monday's proceedings was read and confirmed.

The Senate took up the unfinished business of yesterday's session, to-wit:

By Mr. Born—

A bill to amend an Act to create a Prison Commission and to provide for the disposition of certain felony convicts and for other purposes.

Messrs. Gordy and Crittenden offered a substitute to the bill.

Mr. Gordy called for the previous question on the bill and substitutes. The call was sustained and the main question ordered.

The substitute by Messrs. Gordy and Crittenden was first considered and upon its adoption the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Brock,  
Crittenden,  
Gordy,

Griffin,  
Hawes,  
Hayes,

Knight,  
Steed,  
Taylor,

Those voting in the negative were Messrs.—

Akin,	Hardman,	Stapleton,
Born,	Henderson of 15th,	Stephens,
Boyd,	Howard,	Sikes,
Bush,	Hudson,	Turner,
Camp,	Hughes,	Walden,
Deen,	Johnson,	Walker,
Dobbs,	Martin,	Whaley,
Felder,	Mattox,	Wilkes,
Felts,	Peacock,	Williford,

Those not voting were Messrs.—

Brantley,	Henderson of 39th,	Weaver,
Cowart,	Lashley,	Mr. President,
Farmer,	Overstreet,	

The substitute was lost.

The substitute offered by Mr. Born on yesterday was next considered and upon its adoption the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Born,	Griffin,	Knight,
Broek,	Hardman,	Steed,
Crittenden,	Hawes,	Taylor,
Felts,	Hayes,	Walden,
Gordy,	Howard,	

Those voting in the negative were Messrs.—

Akin,	Bush,	Deen,
Boyd,	Camp,	Dobbs,



Felder,	Mattox,	Walker,
Henderson of 15th,	Peacock,	Whaley,
Hudson,	Stapleton,	Wilkes,
Hughes,	Stephens,	Williford,
Johnson,	Sikes,	
Martin,	Turner,	

Those not voting were Messrs.—

Brantley,	Henderson of 39th,	Weaver,
Cowart,	Lashley,	Mr. President,
Farmer,	Overstreet,	

!

The substitute was lost.

The substitute offered by Mr. Martin and others on yesterday was next considered.

Mr. Stephens offered the following amendment to the substitute which was adopted, to-wit:

By striking from lines 3 and 4, page 6, Section 9, of printed bill the following words: “and the Governor shall be ex-officio member of the Prison Commission.”

Upon the adoption of the substitute the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs. —

Akin,	Henderson of 15th,	Sikes,
Boyd,	Hudson,	Turner,
Bush,	Hughes,	Walden,
Camp,	Johnson,	Walker,
Deen,	Martin,	Whaley,
Dobbs,	Matcox,	Wilkes,
Felder,	Peacock,	Williford,
Felts,	Stapleton,	
Hardman,	Stephens,	

Those voting in the negative were Messrs.—

Born,	Griffin,	Knight,
Brock,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	

Those not voting were Messrs.—

Brantley,	Henderson of 39th,	Weaver,
Cowart,	Lashley,	Mr. President,
Farmer,	Overstreet,	

The substitute was adopted as amended.

The bill was read the third time and the report of the committee agreed to as amended.

Upon the passage of the bill by substitute, the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Sikes,
Boyd,	Hudson,	Turner,
Bush,	Hughes,	Walden,
Camp,	Johnson,	Walker,
Deen,	Martin,	Whaley,
Dobbs,	Mattox,	Wilkes,
Felder,	Peacock,	Williford,
Felts,	Stapleton,	
Hardman,	Stephens,	

Those voting in the negative were Messrs.—

Born,	Griffin,	Knight,
Brock,	Hawes,	Steed,
Crittenden,	Hayes,	Taylor,
Gordy,	Howard,	

Those not voting were Messrs.—

Brantley,	Henderson of 39th,	Weaver,
Cowart,	Lashley,	Mr. President,
Farmer,	Overstreet,	

The bill having received a requisite Constitutional majority was passed by substitute.

On motion of Mr. Felder the bill was ordered immediately transmitted to the House.

On motion of Mr. Knight, the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon motion the roll-call was dispensed with.

The following resolution was introduced and laid over under the rules, to-wit:

By Mr. Henderson of 15th district—

A joint resolution providing that the extra session of the General Assembly adjourn sine die, not later than Friday, September 18, 1908, at 5 o'clock p. m.

Certain resolutions relative to the convict question by the State Federation of Labor, and the Farmers Union of Lowndes county were read.

A petition from various citizens of Atlanta urging the General Assembly to abolish the leasing of convicts was read.

Mr. Martin, acting Chairman of the Committee on Engrossing submitted the following report:

*Mr. President:*

The Committee on Engrossing have examined and found properly engrossed and ready for the trans

mission to the House, the following bill of the Senate, to-wit:

A bill to provide for future employment of felony and misdemeanor male convicts upon the public roads and for other purposes.

Respectfully submitted,

W. C. MARTIN, Acting Chairman.

On motion of Mr. Taylor the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

WEDNESDAY, SEPT 16th, 1908.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names.

Akin,	Griffin,	Stapleton,
Born,	Hardman,	Steed,
Boyd,	Hawes,	Stephens,
Brantley,	Hayes,	Sikes,
Brock,	Henderson of 15th,	Taylor,
Bush,	Henderson of 39th,	Turner,
Camp,	Howard,	Walden,
Crittenden,	Hudson,	Walker,
Deen,	Hughes,	Weaver,
Dobbs,	Johnson,	Whaley,
Farmer,	Knight,	Wilkes,
Felder,	Martin,	Williford,
Felts,	Mattox,	Mr. President,
Gordy,	Peacock,	

Those absent were Messrs.—

Coward,

Lashley,

Overstreet,

The Journal of Tuesday's proceedings was read and confirmed.

The following House resolution was taken up and concurred in, as amended, to-wit:

By Mr. Candler of DeKalb—

A resolution providing for indexing the Journals of the House and Senate for extraordinary session of 1908.

The amendment was as follows:

Strike the name Guerry Brannon and insert in lieu thereof the name of Charles F Rice.

Upon motion of Mr. Felder the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

THURSDAY, SEPT 17th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names.

Akin,	Hardman,	Stapleton,
Boyd,	Hawes,	Steed,
Brantley,	Hayes,	Stephens,
Brock,	Henderson of 15th,	Sikes,
Bush,	Henderson of 39th,	Taylor,
Camp,	Howard,	Turner,
Crittenden,	Hudson,	Walden,
Deen,	Hughes,	Walker,
Dobbs,	Johnson,	Weaver,
Felder,	Knight,	Whatey,
Felts,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Peacock,	Mr. President.

Those absent were Messrs.—

Born,	Farmer,	Overstreet,
Cowart,	Lashley,	

The Journal of Wednesday was read and confirmed.



The following message was received from the House, through Mr Boifeuillet, the Clerk thereof.

*Mr President:*

The House has adopted the following resolution, to-wit:

A resolution, That it is the sense of the people of Georgia that Hon. Joseph B. Cummings should be appointed Commissioner of the National Park at Chicamauga.

The following House resolution was taken up and adopted by a rising vote.

By Mr. Wright, of Richmond—

A resolution that it is the sense of the people of Georgia that Hon. Jos. B. Cummings should be appointed Commissioner of the National Park of Chicamauga.

On motion of Mr. Felder the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon motion of Mr. Hays the call of the roll was dispensed with.

Upon motion of Mr. Felder the Senate adjourned until 10 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

FRIDAY, SEPT. 18th, 1908.

The Senate met pursuant to adjournment at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names.

Akin,	Hardman,	Stapleton,
Born,	Hawes,	Steed,
Boyd,	Hayes,	Stephens,
Brantley,	Henderson of 15th,	Sikes,
Brock,	Henderson of 39th.	Taylor,
Bush,	Howard,	Turner,
Camp,	Hudson,	Walden,
Crittenden,	Hughes,	Walker,
Deen,	Johnson,	Weaver,
Dobbs,	Knight,	Whaley,
Felder,	Martin,	Wilkes,
Gordy,	Mattox,	Williford,
Griffin,	Peacock,	Mr. President,

Those absent were Messrs.—

Cowart,	Felts,	Overstreet,
Farmer,	Lashley,	

The Journal of Thursday was read and confirmed.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof.

*Mr President:*

The House has concurred in the Senate amendment to the following resolution of the House, to-wit:

A resolution, To provide for the indexing of the Journals of the House and Senate for the extraordinary session of 1908.

A communication was read from the Central Labor Union of Macon, Ga., protesting against the leasing of convicts.

Upon motion of Mr. Dobbs the Senate adjourned until 3 o'clock p. m.

The Senate reconvened at 3 o'clock p. m. and was called to order by the President.

Upon the call of the roll the following members answered to their names.

Akin,  
Born,

Boyd,  
Brantley,

Brock,  
Bush,

Camp,	Henderson of 39th,	Sikes,
Crittenden,	Howard,	Taylor,
Dobbs,	Hudson,	Turner,
Felder,	Hughes,	Walden,
Gordy,	Knight,	Walker,
Griffin,	Martin,	Weaver,
Hardman,	Mattox,	Whaley,
Hawes,	Stapleton,	Wilkes,
Hayes,	Steed,	Williford,
Henderson of 15th,	Stephens,	Mr. President,

Those absent were Messrs. .

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Peacock,
Farmer,	Lashley,	

Mr. Gordy asked unanimous consent of the Senate, that Mr. Dobbs be added to the membership of the Enrollment Committee which was granted and he was so added.

The following House resolution was taken up and concurred in, to-wit:

By Mr. Parker, of Talbot— .

A resolution to provide for finishing up of the business of the extraordinary session of the General Assembly

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof

*Mr President:*

The House has passed by the requisite Constitutional majority the following bill of the Senate by substitute, to-wit:

A bill, To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes and for other purposes.

The Senate took up the following Senate bill for the purpose of acting upon the substitute of the House thereto, to-wit:

By Mr. Born—

A bill to provide for the future employment of felony and misdemeanor male convicts upon the public roads and for other purposes.

Mr. Felder moved that one hundred copies of the substitute be printed for the use of the Senate.

Upon this motion Mr. Hays called the ayes and nays and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,  
born,  
Camp,

Felder,  
Hudson,  
Sikes,

Taylor,  
Walker,

Those voting in the negative were Messrs.—

Boyd,  
Brantley,  
Brock,  
Bush,  
Crittenden,  
Dobbs,  
Gordy,  
Griffin,  
Hardman,  
Hawes,

Hayes,  
Henderson of 15th,  
Henderson of 39th,  
Howard,  
Hughes,  
Johnson,  
Knight,  
Martin,  
Mattox,  
Stapleton,

Steed,  
Stephens,  
Turner,  
Walden,  
Weaver,  
Whaley,  
Wilkes,  
Williford,

Those not voting were Messrs.—

Cowart,  
Deen,  
Farmer,

Felts,  
Lashley,  
Overstreet,

Peacock,  
Mr. President,

The motion was declared lost.

Upon motion of Mr. Steed, the substitute was considered by Sections.

Section 1 was adopted.

Mr. Akin offered the following amendment to Section 2 which was adopted, to-wit:

Amend Section 2, by striking out the sentence in

lines 18, 19, and 20, page 3 of printed bill beginning with word "this" in 18th line and ending with word "works" in 20th line.

Section 2 was adopted as amended.

Mr. Akin offered the following amendment to Section 3 which was adopted, to-wit: Strike the word "may" after the word "commission" and before the word "as" and insert in lieu thereof the word "shall."

Section 3 was adopted as amended.

Mr. Steed offered the following amendment, to-wit:

Amend by striking Sections 4 and 5 and substituting the following, to-wit:

SEC. 4. Be it further enacted, That in awarding convicts to counties, in excess of their proportion, they shall have the right to have awarded to them as many convicts as they desire upon such terms and conditions as herein set forth, at and for the price of seventy-five (\$75.00) dollars per capita per annum, *provided*, that in the event the request by counties should exceed the number of convicts on hand, convicts shall be prorated between those counties making application for same.



Upon the adoption of the above amendment the ayes and nays were called. The vote was as follows:

Those voting in the affirmative were Messrs.—

Born,	Hardman,	Steed,
Brock,	Hawes,	Taylor,
Bush,	Hayes,	Walden,
Gordy,	Howard,	Weaver,
Griffin,	Knight,	

Those voting in the negative were Messrs.—

Akin,	Henderson of 15th,	Stephens,
Boyd,	Henderson of 39th,	Sikes,
Brantley,	Hudson,	Turner,
Camp,	Hughes,	Walker,
Crittenden,	Martin,	Whaley,
Dobbs,	Mattox,	Wilkes,
Felder,	Stapleton,	Williford,

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Peacock,
Farmer,	Lashley,	Mr. President,

The amendment was lost.

Section 4 was adopted.

Mr. Boyd offered the following amendment, to-wit:

Amend Section 5 by adding thereto: "It is also enacted that the Prison Commission in its discretion is authorized out of any funds on hand or which may be on hand appropriated for the maintenance of the penitentiary system of the State or which may hereafter be so appropriated, to organize three road working squads each of not less than one hundred able-bodied convicts, and to provide any necessary outfit and equipment and to lay out and construct with the labor of said convicts main thoroughfares from point to point in the State as the Prison Commission may determine or to improve any such thoroughfares already existing, provided that one of said squads shall be worked in the southern part of the State, one in the middle part and one in the northern part of the State. For the purpose of laying out said roads or relocating any already existing, said Commission shall be authorized in the name of the State to condemn all necessary rights of way or land or road material under the provisions of the law for condemning land or easements for public purposes and to pay the amount assessed in such proceedings, *provided*, said Commission may decline after the assessment to proceed with the condemnation if in their judgment the amount assessed for compensation is excessive.

Upon the adoption of the above amendment the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Walker,
Born,	Hudson,	Williford,
Boyd,	Martin,	
Camp,	Mattox,	

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Stephens,
Brock,	Hayes,	Sikes,
Bush,	Henderson of 15th,	Taylor,
Crittenden,	Howard,	Turner,
Felder,	Hughes,	Walden,
Gordy,	Knight,	Weaver,
Griffin,	Stapleton,	Whaley,
Hardman,	Steed,	Wilkes,

Those not voting were Messrs.—

Cowart,	Felts,	Peacock,
Deen,	Johnson,	Mr. President,
Dobbs,	Lashley,	
Farmer,	Overstreet,	

The amendment was lost.

Section 5 was adopted.

Mr. Akin offered the following amendment, to-wit:

Amend by striking Section 6 and number the remaining Sections accordingly

Upon this amendment, the ayes and nays were ordered and the vote was as follows:

Akin,	Henderson of 15th,	Mattox,
Dobbs,	Hudson,	Walker,
Felder,	Hughes,	

Those voting in the negative were Messrs.—

Born,	Hardman,	Stephens,
Boyd,	Hawes,	Sikes,
Brantley,	Hayes,	Taylor,
Brock,	Henderson of 39th,	Turner,
Bush,	Howard,	Walden,
Camp,	Knight,	Weaver,
Crittenden,	Martin,	Whaley,
Gordy,	Stapleton,	Wilkes,
Griffin,	Steed,	Williford,

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Peacock,
Farmer,	Lashley,	Mr. President,

The amendment was lost and Section 6 was adopted.

The following amendment was offered by Mr. Henderson of 39th district, to-wit:

Amend Section 7 by adding the following proviso, to-wit: *Provided, however,* that no convict shall ever be leased or hired to any private person or

corporation nor any contract taken to do any contract work with convict labor for the benefit of any private person or corporation.

Upon this amendment the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Sikes,
Born,	Henderson of 39th,	Turner,
Boyd,	Hudson,	Walker,
Bush,	Hughes,	Whaley,
Camp,	Martin,	Wilkes,
Dobbs,	Mattox,	Williford,
Felder,	Stapleton,	
Hardman,	Stephens,	

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Taylor,
Brock,	Hayes,	Walden,
Crittenden,	Howard,	Weaver,
Gordy,	Knight,	
Griffin,	Steed,	

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Peacock,
Farmer,	Lashley,	Mr. President,

The amendment was adopted.

Mr. Henderson of 39th district offered the following amendment, to-wit:

Amend by striking out Section 7 and numbering remaining Sections accordingly.

Upon the adoption of the amendment the ayes and nays were ordered. The vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Hardman,	Hudson,
Born,	Henderson of 15th,	Hughes,
Felder,	Henderson of 39th,	Williford,

Those voting in the negative were Messrs.—

Boyd,	Hawes,	Stephens,
Brantley,	Hayes,	Sikes,
Brock,	Howard,	Taylor,
Bush,	Knight,	Turner,
Camp,	Martin,	Walden,
Crittenden,	Mattox,	Weaver,
Gordy,	Stapleton,	Whaley,
Griffin,	Steed,	Wilkes,

Those not voting were Messrs.—

Cowart,	Felts,	Peacock,
Deen,	Johnson,	Walker,
Dobbs,	Lashley,	Mr. President,
Farmer,	Overstreet,	

The amendment was lost.

Upon the adoption of Section 7 as amended, the ayes and nays were ordered and the vote was as follows:

Those voting in the affirmative were Messrs.—

Boyd,	Hawes,	Stephens,
Camp,	Howard,	Sikes,
Dobbs,	Hughes,	Turner,
Gordy,	Martin,	Walker,
Griffin,	Mattox,	Wilkes,
Hardman,	Stapleton,	Williford,

Those voting in the negative were Messrs.—

Akin,	Hayes,	Steed,
Brantley,	Henderson of 15th,	Taylor,
Brock,	Henderson of 39th,	Walden,
Crittenden,	Hudson,	Weaver,
Felder,	Knight,	Whaley,

Those not voting were Messrs.—

Born,	Farmer,	Overstreet,
Bush,	Felts,	Peacock,
Cowart,	Johnson,	Mr. President,
Deen,	Lashley,	

The Section was adopted.

At 6:15 o'clock p. m., upon motion of Mr. Hardman the Senate adjourned until 9 o'clock tomorrow morning.

## SENATE CHAMBER, ATLANTA, GA.

SATURDAY, September 19th, 1908.

The Senate met pursuant to adjournment at 9 o'clock a. m., and was called to order by the President.

Prayer was offered by the Chaplain.

Upon the call of the roll the following members answered to their names:

Akin,	Hawes,	Stephens,
Born,	Hayes,	Sikes,
Boyd,	Henderson of 15th,	Taylor,
Brantley,	Henderson of 39th,	Turner,
Brock,	Howard,	Walden,
Bush,	Hudson,	Walker,
Camp,	Hughes,	Weaver,
Crittenden,	Knight,	Whaley,
Dobbs,	Martin,	Wilkes,
Felder,	Mattox,	Williford,
Gordy,	Peacock,	Mr. President,
Griffin,	Stapleton,	
Hardman,	Steed,	

Those absent were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	
Farmer,	Lashley,	

The journal of Friday's session was read and confirmed.



Mr. Stephens gave notice of a motion to reconsider the action of Senate on yesterday, in adopting Section 7, of the House, substitute to Senate Bill No. 5.

The Senate took up the unfinished business of yesterday's session. to-wit:

The substitute of the House to the following Senate bill:

A bill to provide for the future employment of felony and misdemeanor male convicts upon the public roads and for other purposes.

Mr. Stephens moved to reconsider the action of the Senate in adopting Section 7, of the substitute.

Upon motion of Mr. Akin, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hawes,	Stephens,
Brock,	Hayes,	Sikes,
Bush,	Howard,	Taylor,
Camp,	Hughes,	Turner,
Crittenden,	Knight,	Walden,
Dobbs,	Martin,	Walker,
Gordy,	Mattox,	Weaver,
Griffin,	Stapleton,	Whaley,
Hardman,	Steed,	Wilkes,

Those voting in the negative were Messrs.—

Akin,	Felder,	Hudson,
Born,	Henderson of 15th,	Peacock,
Boyd,	Henderson of 39th,	Williford,

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Mr. President,
Farmer,	Lashley,	

The motion to reconsider was adopted.

Mr. Stephens moved to reconsider the action of the Senate on yesterday in adopting the amendment of Mr. Henderson, of 39th district, to Section 7

Upon this motion Mr. Felder called for the ayes and nays and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hayes,	Sikes,
Brock,	Howard,	Taylor,
Bush,	Hughes,	Turner,
Camp,	Knight,	Walden,
Crittenden,	Martin,	Weaver,
Gordy,	Mattox,	Whaley,
Griffin,	Stapleton,	Wilkes,
Hardman,	Steed,	
Hawes,	Stephens,	

Those voting in the negative were Messrs.—

Akin,	Henderson of 15th,	Walker,
Born,	Henderson of 39th,	Williford,
Boyd,	Hudson,	
Felder,	Peacock,	

The motion to reconsider was adopted.

Upon the adoption of the amendment by Mr. Henderson, of 39th district, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Walker,
Born,	Henderson of 39th,	Williford,
Boyd,	Hudson,	
Felder,	Peacock,	

Those voting in the negative were Messrs.—

Brantley,	Hayes,	Stephens,
Brock,	Howard,	Sikes,
Bush,	Hughes,	Taylor,
Camp,	Knight,	Turner,
Crittenden,	Martin,	Walden,
Gordy,	Mattox,	Weaver,
Griffin,	Stapleton,	Whaley,
Hawes,	Steed,	Wilkes,

Those not voting were Messrs.—

Cowart,	Farmer,	Johnson,
Deen,	Felts,	Lashley,

Dobbs,	Hardman,	Overstreet,
	Mr. President,	

The amendment was lost.

Upon the adoption of Section 7, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Brantley,	Hayes.	Stephens,
Brock,	Howard,	Sikes,
Bush,	Hughes,	Taylor,
Camp,	Knight,	Turner,
Crittenden,	Martin,	Walden,
Gordy,	Mattox,	Weaver,
Griffin,	Stapleton.	Whaley,
Hawes,	Steed,	Wilkes,

Those voting in the negative were Messrs.—

Akin,	Hardman,	Peacock,
Born,	Henderson of 15th,	Walker,
Boyd,	Henderson of 39th,	Williford,
Felder,	Hudson,	

Those not voting were Messrs.—

Cowart,	Farmer,	Lashley,
Deen,	Felts,	Overstreet,
Dobbs,	Johnson,	Mr. President,

The Section was adopted.

Mr. Boyd moved to reconsider the action of the Senate on yesterday in defeating the amendment to Section 5, offered by himself.

Upon this motion Mr. Boyd called for the ayes and nays, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Turner,
Born,	Henderson of 39th,	Walker,
Boyd,	Hudson,	Williford,
Hardman,	Martin,	

Those voting in the negative were Messrs.—

Brantley,	Hawes,	Stephens,
Brock,	Hayes,	Sikes,
Bush,	Howard,	Taylor,
Camp,	Hughes,	Walden,
Crittenden,	Knight,	Weaver,
Dobbs,	Mattox,	Whaley,
Felder,	Peacock,	Wilkes,
Gordy,	Stapleton,	
Griffin,	Steed,	

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Mr. President,
Farmer,	Lashley,	

The motion to reconsider was lost.

Mr. Felder offered an amendment to change the number of Section 4 to number 5, and changing the number of Section 5 to number 4, which amendment was adopted.

Mr. Felder offered the following amendment:

Amend Section 8, by inserting between the words "labor" in line seven, and "as" in line eight, the words "on said farm."

Upon the adoption of the amendment, Mr. Felder called for the ayes and nays, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Turner,
Boyd,	Henderson of 39th,	Walker,
Bush,	Hudson,	Whaley,
Camp,	Martin,	Wilkes,
Dobbs,	Peacock,	Williford,
Felder,	Stapleton,	
Hardman,	Stephens,	

Those voting in the negative were Messrs.—

Born,	Hawes,	Sikes,
Brantley,	Hayes,	Taylor,
Brock,	Hughes,	Walden,
Crittenden,	Knight,	Weaver,
Gordy,	Mattox,	
Griffin,	Steed,	

Those not voting were Messrs.—

Cowart,  
Deen,  
Farmer,

Felts,  
Howard,  
Johnson,

Lashley,  
Overstreet,  
Mr. President,

The amendment was adopted.

Section 8 was adopted as amended.

Sections 9, 10 and 11 were adopted.

Mr. Felder offered the following amendment to Section 12, which was adopted, to-wit:

Insert between the words “are” and “disposed” in 10th line of printed bill the word “herein.”

Section 12 was adopted as amended.

Sections 13, 14 and 15 were adopted.

Mr. Felder offered the following amendment to Section 16:

Strike all of said Section and insert in lieu thereof the following:

SECTION 16. Be it further enacted, That the proceeds arising from the disposition of convicts to municipalities or otherwise, shall be paid into the

treasury of the State to be used for the improvement and betterment of the prison system of the State.

Upon the adoption of the amendment, Mr. Felder called for the ayes and nays, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Wilkes,
Dobbs,	Hudson,	Williford,
Felder,	Peacock,	

Those voting in the negative were Messrs.—

Born,	Hawes,	Stephens,
Boyd,	Hayes,	Sikes,
Brantley,	Henderson of 39th,	Taylor,
Brock,	Howard,	Turner,
Bush,	Hughes,	Walden,
Camp,	Knight,	Walker,
Crittenden,	Martin,	Weaver,
Gordy,	Mattox,	Whaley,
Griffin,	Stapleton,	
Hardman,	Steed,	

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Mr. President,
Farmer,	Lashley,	

The amendment was lost.

Sections 16, 17 and 18 were adopted.



Mr. Felder offered the following amendment to Section 19, which was adopted, to-wit:

Amend by striking word "bill" in second line, and inserting the word "Act" in lieu thereof.

Mr. Stephens offered the following amendment to Section 19, which was adopted, to-wit:

Strike from said Section from the word "they" in second line, down to, and including, the word "and" in line three.

Section 19 was adopted as amended.

Sections 20 and 21 were adopted.

Mr. Akin offered the following amendment, to-wit:

Amend by inserting a new Section immediately preceding the repealing clause, to be appropriately numbered, and to read:

Be it further enacted, That the Prison Commission is authorized, in their discretion, to employ a road engineer, at a salary of not more than four thousand dollars a year and actual traveling expenses, to aid and advise in the work of road building and other public works provided in this Act. Such engineer, when so employed, shall give his en-

time to said work, and shall be engaged in no other business.

Upon the adoption of the amendment, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 39th,	Turner,
Boyd,	Hudson,	Williford,
Dobbs,	Martin,	
Felder,	Stephens,	

Those voting in the negative were Messrs.—

Born,	Hawes,	Steed.
Brantley,	Hayes,	Sikes,
Bush,	Henderson of 15th,	Taylor,
Camp,	Howard,	Walden,
Crittenden,	Hughes,	Walker,
Gordy,	Knight,	Weaver,
Griffin,	Mattox,	Whaley,
Hardman,	Stapleton,	Wilkes.

Those not voting were Messrs.—

Brook,	Felts,	Peacock,
Cowart,	Johnson,	Mr. President,
Deen,	Lashley,	
Farmer,	Overstreet,	

The amendment was lost.

Mr. Williford offered the following amendment.

by inserting a new Section to be known as number 22, to read as follows:

SECTION 22. Be it further enacted, That the Prison Commission is authorized, in their discretion, to employ a road engineer at a salary of not more than twenty-five hundred dollars a year and actual traveling expenses, to aid, and advise, in the work of road building and other public works provided in this Act. Such engineer when so employed shall give his entire time to said work and shall be engaged in no other business.

Upon the adoption of the amendment, the ayes and nays were ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Henderson of 15th,	Stephens,
Boyd,	Henderson of 39th,	Turner,
Camp,	Hudson,	Walker,
Dobbs,	Hughes,	Williford,
Felder,	Martin,	
Hardman,	Stapleton,	

Those voting in the negative were Messrs.—

Born,	Hawes,	Taylor,
Brantley,	Hayes,	Walden,
Brock,	Howard,	Weaver,
Bush,	Knight,	Whaley,
Crittenden,	Mattox,	Wilkes,
Gordy,	Steed,	
Griffin,	Sikes,	

Those not voting were Messrs.—

Cowart,  
Deen,  
Farmer,

Felts,  
Johnson,  
Lashley,

Overstreet,  
Peacock,  
Mr. President,

The amendment was lost.

Sections 22 and 23 were adopted.

Mr. Steed offered the following amendment, which was adopted, to-wit:

Amend Section 24, line one, by striking the word “money,” and substituting in lieu thereof, the words “net hire.”

Mr. Stephens offered an amendment which was adopted, striking out Section 24.

Mr. Felder offered an amendment, which was adopted, striking out Section 25.

Mr. Akin offered the following amendment, to-wit:

Amend by adding a new Section immediately preceding the repealing clause, to be approximately numbered, and to read as follows:

The members of the Prison Commission shall give

their entire time and attention to the duties of the office.

Upon this amendment the ayes and nays were called for, and the vote was as follows:

Those voting in the affirmative were Messrs.—

Akin,	Felder,	Turner,
Boyd,	Hardman,	Walker,
Bush,	Henderson of 39th,	Wilkes,
Camp,	Martin,	Williford,
Dobbs,	Peacock,	

Those voting in the negative were Messrs.—

Born,	Henderson of 15th,	Stephens,
Brantley,	Howard,	Sikes,
Brock,	Hudson,	Taylor,
Crittenden,	Hughes,	Walden,
Gordy,	Knight,	Weaver,
Griffin,	Mattox,	Whaley,
Hawes,	Stapleton,	
Hayes,	Steed,	

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Mr. President,
Farmer,	Lashley,	

The amendment was lost.

The caption of the substitute was adopted.

Upon the question of concurring in the substitute of the House to the Senate bill, as amended by the Senate, the ayes and nays were called for. The vote was as follows:

Those voting in the affirmative were Messrs.—

Boyd,	Griffin,	Steed,
Brantley,	Hawes,	Stephens,
Brock,	Hayes,	Sikes,
Bush,	Howard,	Taylor,
Camp,	Hughes,	Turner,
Crittenden,	Knight,	Walden,
Dobbs,	Martin,	Walker,
Felder,	Mattox,	Weaver,
Gordy,	Stapleton,	Whaley,

Those voting in the negative were Messrs.—

Akin,	Henderson of 15th,	Peacock,
Born,	Henderson of 39th,	Wilkes,
Hardman,	Hudson,	Williford,

Those not voting were Messrs.—

Cowart,	Felts,	Overstreet,
Deen,	Johnson,	Mr. President,
Farmer,	Lashley,	

The House substitute, as amended, was concurred in.

The following protests were read and ordered entered on the journal:

Mr. Henderson, of the 39th, respectfully enters his protest against the action of the Senate in passing Section 7, of the substitute, which authorizes the farming out or leasing of convicts for the following reasons:

1. Because it is the sovereign right of the State to enact laws for the protection of society and as a sovereign it is the imperative duty of the State to punish criminals for a violation of such laws.

2. Because it contravenes the fundamental principles of good government to, by public enactment, make possible farming out, leasing, or the delegation of the power or sovereign right to punish criminals for a violation of the laws of the State.

3. Because under this Section the authorities in charge, if they so desire, can continue the present disgraceful method of working convicts.

4. Because under, and by the authority of this Section, the authorities may, in their discretion, farm out or lease convicts, in preference to placing them on the State Farm, or in lieu of renting or leasing farms for that purpose.

5. Because under the authority of said Section, the authorities are given the right to place convicts

in direct competition with free labor, excepting only "skilled mechanical labor," and thereby discriminates unjustly, by solemn enactment by the law-making power of the State, in favor of the more fortunate laborer, who has happened to have better opportunities to prepare himself for the duties of life and against the farmer and the poor fellow who has been so unfortunate as not to be getting a good price for his labor because forsooth, he is not a "skilled laborer."

I most heartily concur in the foregoing protest offered by the Senator of the 39th, and desire to add my protest against the adoption of Section 7, of said bill.

Q. L. WILLIFORD, 28th district.

I most heartily concur in the foregoing protest offered by the Senator of the 39th and desire to add my protest against the adoption of Section 7 of said bill.

J. A. J. HENDERSON, of 15th district.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof:

*Mr. President:*

The House has concurred in the Senate amendments to the House substitute to the following bill of the Senate, to-wit:



A bill to provide for the future employment of felony and misdemeanor convicts upon the public roads and for other purposes.

Mr. Gordy, Vice-Chairman of the Committee on Enrollment, submitted the following report:

*Mr President:*

The Committee on Enrollment report as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives the following Act, to-wit:

An Act to provide for the future employment of felony and misdemeanor male convicts upon the public roads of the several counties of the State and for other purposes.

Respectfully submitted,

F M. GORDY, Vice-Chairman.

Mr. Gordy, Vice-Chairman of the Committee on Enrollment, submitted the following report:

*Mr President:*

The Committee on Enrollment report as duly signed by the President of the Senate and Speaker of the House of Representatives and delivered to the Governor the following Act, to-wit:

An Act to provide for the future employment of felony and misdemeanor male convicts upon the public roads of the several counties of the State and for other purposes.

Respectfully submitted,

F M GORDY, Vice-Chairman.

The following communication was read:

State of Georgia,  
Executive Department.

ATLANTA,  
September 18, 1908.

Hon. J. J. Flynt,  
President of the Senate,  
Atlanta, Georgia.

Dear Sir:

I have received the resolution passed by the Senate last Monday when my father died.

Please allow me to thank you and the members of the Senate for the honor paid to him and the kindness to me. I assure you that your action is fully appreciated.

Very sincerely,  
HOKE SMITH.

Under a joint resolution previously adopted in reference to the extension of the W & A. R. R. to the sea, the President appointed the following as the Committee on part of the Senate:

Messrs. Howard and Brantley

The following Resolution was adopted:

By Mr. Williford—

Resolved by the Senate, That the heartiest thanks of this body and of the individual members thereof, be extended to the messenger of this body, Mr Flynn Hargett, for the faithful, attentive and kind service he has given this body, and each member thereof, during the sessions of 1908.

Also,

Resolved, That the thanks of this body be extended to Mr. L. W. Reeves, doorkeeper of the Senate, and Hon. C. S. Northen, Secretary of the Senate, for their faithful and attentive services as officers of this body during the sessions of 1908.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof:

*Mr President:*

The Speaker has appointed the following as members of the Commission on the Western and Atlantic Railroad, under provisions of House Resolution No. 9:

Messrs. Alexander, Hall and Fullbright.

The following Resolution was adopted to-wit:

By Mr. Felder—

Resolved by the Senate, the House concurring. That His Excellency, the Governor, be notified that the General Assembly has completed its duties and is ready to adjourn sine die, and that a joint Committee be appointed to so notify the Governor

The President appointed Messrs. Felder and Gordy as members of the Committee on part of the Senate.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof:

*Mr President:*

The House has concurred in the following joint resolution of the Senate:

A resolution to appoint a committee to notify the Governor that the General Assembly has completed its duties and is now ready to adjourn sine die.

The House has appointed under said resolution the following members:

Messrs. Alexander, Watkins, Cook, of Thomas

Mr. Felder, Chairman of the Committee on part of the Senate to wait on His Excellency, the Governor and inform him that the General Assembly

was ready to adjourn sine die, reported for said Committee that they had performed their duties.

The following resolution was read and adopted:

By Mr. Steed—

That the Secretary of the Senate notify the House that the Senate has finished all business before it, and is ready to adjourn sine die.

The following message was received from the House, through Mr. Boifeuillet, the Clerk thereof:

*Mr President:*

The House has concurred in the following joint resolution of the Senate:

A Resolution providing that the General Assembly do now adjourn sine die.

The President declared the Senate adjourned sine die.

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